



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

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मंगलवार, 3 नवम्बर, 2015/12 कार्तिक, 1937

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हिमाचल प्रदेश सरकार

आबकारी एवं कराधान विभाग

अधिसूचना

शिमला-2, 29 अक्टूबर, 2015

संख्या: ई एक्स एन-एफ(10)-5/2010-लूज़.—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश मूल्य परिवर्धित कर अधिनियम, 2005 की धारा 6 की उपधारा (1) के साथ पठित धारा 10 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पूर्वोक्त अधिनियम से संलग्न अनुसूची 'क' के भाग-2 की विद्यमान प्रविष्टि संख्या: 7 में निम्नलिखित संशोधन करते हैं;

प्रस्तावित संशोधनों द्वारा संभाव्य प्रभावित होने वाले किसी हितबद्ध व्यक्ति के प्रस्तावित संशोधनों की बाबत यदि कोई आक्षेप या सुझाव हैं, तो वह उसे/उन्हें इस अधिसूचना के राजपत्र, हिमाचल प्रदेश में प्रकाशन की तारीख से 10 दिन की अवधि के भीतर आबकारी एवं कराधान आयुक्त, हिमाचल प्रदेश, शिमला-171009 को भेजे सकेगा;

उपरोक्त नियत अवधि के भीतर प्राप्त हुए आक्षेप(पों)/सुझाव(वों), यदि कोई हैं/हों, पर सरकार द्वारा इसे/इन्हें अन्तिम रूप देने से पूर्व विचार किया जाएगा, अर्थात् :-

### प्रारूप संशोधन

हिमाचल प्रदेश मूल्य परिवर्धित कर अधिनियम, 2005 से संलग्न अनुसूची 'क' के भाग-2 की विद्यमान प्रविष्टि संख्या: 7 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:-

"7(क). मोटर स्प्रिट (ए टी एफ और डीज़ल सहित पेट्रोल) से अन्यथा माल जिस पर अन्यथा लागू कर की दर 4 प्रतिशत से अधिक है जब केन्द्रीय पुलिस केन्टीनों को क्रय करने के लिए प्राधिकृत अधिकारी द्वारा सम्यक् रूप से हस्ताक्षरित और स्टांपित प्रमाण-पत्र प्रस्तुत किए जाने के अध्यक्षीन, इस प्रमाणन के साथ सीधे विक्रय किया जाए कि क्रय किया गया माल, सीधे या यूनिट द्वारा चलाई जा रही केन्टीनों के माध्यम से केन्द्रीय सशस्त्र पुलिस बल अर्थात् आई टी बी पी, सी आई एस एफ, एस एस बी, बी एस एफ और सी आर पी एफ के सेवारत और सेवानिवृत्त कार्मिकों को विक्रय के लिए है ।

(ख) प्रविष्टि संख्या 7(क) में वर्णित माल जब केन्द्रीय पुलिस केन्टीनों द्वारा सीधे या यूनिट द्वारा चलाई जा रही केन्टीनों के माध्यम से, सेवारत और सेवानिवृत्त केन्द्रीय सशस्त्र पुलिस बल कार्मिकों को आगे विक्रय किया जाए ।"।

आदेश द्वारा,  
अतिरिक्त मुख्य सचिव (आबकारी एवं कराधान),  
हिमाचल प्रदेश सरकार।

[Authoritative English Text of this Department Notification No. EXN-F(10)-5/2010-Loose dated 29/10/2015 as required under clause (3) of Article 348 of the Constitution of India.]

## EXCISE AND TAXATION DEPARTMENT

### NOTIFICATION

*Shimla-171002, the 29<sup>th</sup> October, 2015*

**No.EXN-F(10)-5/2010-Loose.**—The Governor, Himachal Pradesh in exercise of the powers conferred by section 10 read with sub-section(1) of section 6 of the Himachal Pradesh Value Added Tax Act,2005 is pleased to carry out the following amendments in the existing entry No. 7 of Part-II of Schedule 'A' appended to the Act *ibid*.

If any interested person likely to be affected by the proposed amendments has any objection(s) or suggestion(s) with regard to the proposed amendments, he may send the same to the Excise and Taxation Commissioner, Himachal Pradesh, Shimla-171009 within a period of 10 days from the date of its publication in the Rajpatra, Himachal Pradesh.

Objection(s)/suggestion(s), if any received within the above stipulated period shall be taken into consideration by the Government before finalizing the same, namely:--

### DRAFT AMENDMENT

For the existing entry No.7 of Part-II of Schedule 'A' appended to Himachal Pradesh Value Added Tax Act, 2005, the following shall be substituted, namely:--

"7(a). Goods on which rate of tax otherwise applicable is more than 4%, other than Motor-spirit (Petrol including ATF and Diesel), when sold to Central Police Canteens directly subject to furnishing of a certificate duly signed and stamped by the officer authorized to make purchases certifying that the goods purchased are meant for sale to serving and retired Central Armed Police Forces personnel i.e. ITBP, CISF, SSB, BSF and CRPF directly or through unit run canteens.

(b). Goods mentioned at entry No.7(a) when further sold to serving and retired Central Armed Police Forces personnel by Central Police canteens directly or through unit run canteens."

By order,

Sd/-

Addl. Chief Secretary (E&T).

### प्रशासनिक सुधार विभाग

#### अधिसूचना

शिमला-2, 12, अक्टूबर, 2015

**संख्या: पर(ए. आर.) एफ(7)-2/98-1.**—हिमाचल प्रदेश के राज्यपाल, सूचना का अधिकार अधिनियम, 2005 की धारा 27 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस विभाग की अधिसूचना संख्या पी.ई. आर.(ए0आर0)एफ(7)-2/98 वोल0-1 तारीख 21 जनवरी, 2006 द्वारा अधिसूचित और तारीख 15 फरवरी, 2006 को राजपत्र (असाधारण) हिमाचल प्रदेश में प्रकाशित हिमाचल प्रदेश सूचना का अधिकार नियम, 2006 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात:--

**1. संक्षिप्त नाम और प्रारम्भ.**—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश सूचना का अधिकार (सातवां संशोधन) नियम, 2015 है ।

(2) ये नियम, राजपत्र हिमाचल प्रदेश में प्रकाशन की तारीख से प्रवृत्त होंगे ।

**2. नियम 5 का संशोधन.**—हिमाचल प्रदेश सूचना का अधिकार नियम, 2006 के नियम 5 के उप नियम (3) में "800—ओ0आर0, 11—सूचना का अधिकार, अधिनियम—2005 के अधीन रसीद मुख्य शीर्ष में" अकों, चिन्हों और शब्दों के स्थान ' 118—रिसीट अन्डर आर.टी.आई एक्ट, 2005 01—रिसीट फॉर्म राइट टू इन्फॉर्मेशन एक्ट, लेखा शीर्ष के अधीन अंक, चिन्ह और शब्द रखे जाएंगे ।

आदेश द्वारा,  
पूर्णिमा चौहान,  
सचिव (प्रशासनिक सुधार) ।

[Authoritative English Text of this Department Notification No. Per (AR) F(7)-2/98-I dated 12<sup>th</sup> October, 2015 as required under clause (3) of article 348 of the Constitution of India.]

## ADMINISTRATIVE REFORMS ORGANIZATION

### NOTIFICATION

*Shimla-171002, the 12<sup>th</sup> October, 2015.*

**No. Per (AR)F(7)-2/98-I.**—In exercise of the powers conferred by section 27 of the Right to Information Act, 2005, the Governor, Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Right to Information Rules, 2006 notified vide this Department notification No. Per (AR)F(7)-2/98.Vol-1 dated 21st January, 2006 and published in the Rajpatra, Himachal Pradesh (extra ordinary) dated 15th February, 2006 namely:—

**1. Short title and commencement.**—(1) These rules may be called the Himachal Pradesh Right to Information (7th Amendment) Rules, 2015.

(2) They shall come into force from the date of their publication in the Official Gazette.

**2. Amendment of rule 5.**—In Rule 5 of the Himachal Pradesh Right to Information Rules, 2006 in sub-rule (3), for the figures, signs and Words “800-OR, 11-Receipt head under Right to Information Act, 2005”, the figures, signs and words “118- Receipt under RTI Act, 2005, 01 Receipt from Right to Information” shall be substituted.

By order,  
PURNIMA CHAUHAN,  
Secretary (AR).

## LABOUR AND EMPLOYMENT DEPARTMENT

### NOTIFICATION

*Shimla, the 02<sup>nd</sup> November, 2015*

**No: Sharm (A) 6-1/2014 (Awards).**—In exercise of the powers vested under section 17(1) of the Industrial Disputes Act, 1947, the Governor Himachal Pradesh is pleased to order the publication of awards of the following cases announced by the Presiding Officer, Labour Court Shimla on the website of the Department of Labour & Employment of the Government of Himachal Pradesh:—

Sr.No:	Case No:	Title of the Case	Date of Award
1.	33/2010	Shri Kumar Gaurav V/s Reliance Life Insurance Company Ltd. & Others.	22-09-2015
2.	06/2010	Smt. Gulabi Devi V/S Exective Engg. Sawra Kudu Construction, Hatkoti.	21-09-2015

3.	123/2010	Shri Arun Kumar V/S M. D. HP Tourism Devolpment Corp, Ltd. The mall Shimla.	05-10-2015
4.	67/2013	Shri Roop Kishore V/S M. D. M/S Divyani Food Industry Pvt. Ltd Baddi.	07-10-2015
5.	52/2011	Shri Kamal Deep Bhatia V/S Secretary Horticulture HP Shimla-2 & Others.	16-10-2015

By order,  
Sd/-

*Pr. Secretary ( Labour & Employment).*

**IN THE COURT OF SUSHIL KUKREJA, PRESIDING JUDGE, INDUSTRIAL TRIBUNAL CUM LABOUR COURT, SHIMLA, (H.P).**

**Ref. No. 33 of 2010.**

**Instituted on.14.6.2012.**

**Decided on 22.9.2015.**

Kumar Gaurav S/o late Shri Ramesh Chand R/o House No. 537/7, Bazar Gunnu Ghat, Near Pucca Tank, Nahan, District Sirmour, HP. *.Petitioner.*

*Vs.*

1. Reliance Life Insurance Company Ltd., 801-805, 8th Floor, Narain Manzil, 23 Barakhabma Road, New Dehli 110001, through its Directors/Managers.
2. The Zonal Manager, HR (North) Reliance Life Insurance Company Ltd., 801-805, 8th Floor, Narain Manzil, 23 Barakhabma Road, New Dehli 110001.
3. The Regional Manager, Reliance Insurance Company Ltd., Rain Basera Building, 2nd Floor Khalini, Shimla-2, HP.
4. The Branch Manager, Reliance insurance Company Ltd., Paont Sahib, District Sirmour, HP (Branch Code-N-0768SU01). *.Respondents.*

**Reference under Section 10 of the Industrial Disputes Act, 1947.**

**For petitioner** : Shri Sanjay Gandhi, Advocate.

**For respondent** : Shri Sanjeev Sharma, Advocate.

### ***AWARD***

The following reference has been sent by the appropriate government for adjudication:

**“Whether the termination of services of Shri Kumar Gaurav S/o late Shri Ramesh Kumar workman by i) the Zonal Manager, HR (North) Reliance Life Insurance Company Ltd., 801-805, 8th Floor, Narain Manzil, 23 Barakhamba Road, New Dehli 110001 ii) the Regional Manager, Reliance Insurance Company Ltd., Rain Basera Building, 2nd Floor Khalini, Shimla-2, HP w.e.f. 28.4.2009, without complying the provisions of the Industrial Disputes Act, 1947 as alleged by the workman is legal and justified? If not, to what relief of service benefits and amount of compensation Shri Kumar Gaurav is entitled to from the concerned employer?”**

2. Briefly, the case of the petitioner is that he was appointed as Senior Sales Manager, Channel Development Associates of Reliance Life Insurance Company Ltd., w.e.f. 3.6.2008, on the basis of certain terms and conditions set out by the respondents. He was discharging his duties to the best of his abilities and to the entire satisfaction of his superiors/officers/employer. It is averred that the respondents fabricated a false and forged E-mail registration of the petitioner dated 28.4.2009 and illegally terminated his services. It is further averred that the petitioner had worked for 240 days in a calendar year. Since, his services had been terminated on the basis of false and forged E-mail registration dated 28.4.2009, hence, the same is illegal, null, void and is liable to be set aside. It is further asserted that the petitioner had never violated any terms and condition of his services. In the night of 24th April, 2009, when the petitioner was coming back by train from Shirdi to Dehli, his father had gone missing from the train and about this incident, he intimated his superiors and on the basis of instructions of his superior officer, he also intimated his colleague Mr. Gaurav Mehta and also requested him (Gaurav Mehta) to put his leave for five days through E-mail and gave his unofficial E-mail id and password but the respondent fabricated a false and forged resignation. Since, his services had been terminated on the basis of false e-mail resignation and also in violation of sections 25-F, 25-G and 25-H of the Act, hence, he is entitled to compensation of Rs. 15,00,000/- on account of immeasurable mental agonies, financial loss and physical harassment. Against, this back-drop a prayer for his reinstatement with full back-wages by setting aside and quashing his termination order dated 28.4.2009, has been made.

3. The respondent has contested the claim of the petitioner by filing reply wherein preliminary objections had been taken qua suppression of material facts, locus standi and that the petitioner was appointed as senior sales manager w.e.f. 3.6.2008, and as such does not fall under the category of workman. On merits, it has been asserted that the performance of the petitioner was below standard which was also known to him as he was as apprised of the same on various occasions by his superiors but no improvement was shown by him. It is denied that the respondent fabricated false and forged e-mail registration dated 28.4.2009, of the petitioner. In fact, the petitioner was undergoing depression and in this tremendous mental pressure, he had voluntarily resigned from the service and his resignation was accepted by the respondent Hence, the respondent has prayed for the dismissal of the claim petition.

4. By filing rejoinder, the petitioner reaffirmed his allegation by denying those of the respondent.

5. Pleadings of the parties give rise to the following issues which were struck on 18.7.2011.

1. Whether the termination of the services of the petitioner w.e.f. 28.4.2009, by the respondents is in violation of the provisions of Industrial Disputes Act, 1947?

..OPP.

2. If issue no.1 is proved in affirmative to what relief the petitioner is entitled to?

..OPP.

3. Whether the petitioner is not a workman?

. .OPR.

4. Relief.

6. Besides having heard the Learned counsel for the parties, I, have also gone through the record of the case carefully.

7. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under.

*Issue no.1* No.

*Issue no.2* Not entitled to any relief.

*Issue no.3* Yes.

*Relief.* Reference answered in favour of the respondent and against the petitioner, per operative part of order.

### ***Reasons for findings.***

#### ***Issue no.1&3.***

8. Being interlinked and correlated, both these issues are taken up together for discussion and decision.

9. The learned counsel for the petitioner contended that the petitioner had been working as Senior Sales Manager with the respondents and his case falls under the definition of workman as defined under section 2(s) of the Act. Learned counsel further contended that the petitioner had not tendered his resignation through e-mail and his resignation was sent through his e-mail by fabricating his e-mail address. In fact, the services of the petitioner had been terminated illegally without complying with the mandatory provisions of the Act.

10. On the other hand the learned counsel for the respondent contended that since the petitioner was engaged as Senior Sales Manager by the respondent, hence, the petitioner does not fall under the category of a workman as defined in section 2 (s) of the Act. The learned counsel further contended that the services of the petitioner had never been terminated by the respondent, who voluntarily tendered his resignation, through e-mail, which was accepted by the respondent, hence, there is no question for terminating his services.

11. Petitioner while appearing in the witness box as PW-1, has tendered his affidavit Ex. PW-1/A, wherein he supported all the material facts as narrated in the petition. In cross examination, he admitted that he was appointed as Senior Sales Manager, Channel Development Associate of respondent from 3.6.2008 but explained that he was not exercising any supervisory work. He denied that he voluntarily resigned from the service on 28.4.2009 through e-mail. He admitted that the e-mail contained in Ex. RP1- has been sent through his mail ID to Regional Head of respondents. He explained that he had lodged a complaint regarding misuse of his mail account by somebody to the Police. He further admitted that without using the secret password, the email account of a person cannot be operated. He also admitted that on 22.7.2009, the dues of Rs. 26,304/- have been paid to him by the respondents as full & final settlement of the dues. He has denied that since he had resigned voluntarily, no notice was required to be served on him.

12. Conversely, Shri Amit Sharma (RW-1) stated that he has been authorized to depose in this case vide authority letter Ex. RW-1/A. The petitioner was working as sales manager with the respondent since, June, 2008. Since, the performance of the petitioner was not good/ satisfactory many warnings, in this regard, had been issued to the petitioner. The petitioner had resigned voluntarily through his personal e-mail account on 28.4.2009 vide Ex. RP-1 to Regional Manager. The petitioner had also received an amount of Rs. 26,304/- on account of full & final settlement, without any protest. In the cross-examination, he has stated that as per appointment letter, after resignation one month's salary and other dues amounting to Rs. 26,304/- have been paid to the petitioner.

13. I have closely scrutinized the entire evidence, on record, and from the closer scrutiny thereof it has become clear that the petitioner was appointed as Sr. Sales Manager by the respondents and he was working as such from 3.6.2008. The first plea which has been taken by the respondents is to the effect that being Senior Sales Manager, the petitioner does not fall under the category of workman as prescribed in section 2 (s) of the Act. Now, this Court is required to ascertain as to whether the petitioner falls within the category of workman or not as per section 2 (s) of the Act. At this juncture, it would be relevant to re-produce section 2 (s) of the Act, which reads as under "workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person:

- (i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding ten thousand rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

14. It is a settled provision of law that in determining as to whether a person is a workman or not, the Court has to principally see the main or substantial work for which he was employed. Neither the designation nor any incidental work done by him will get him out-side the preview of the Act. The Hon'ble Supreme Court in (1994) 5 S.C.C 737, titled as H.R Adyanthaya and others Vs. Sandoz (India) Ltd., and another has held that for an employee to be covered by the definition of workman he must be employed in any industry to do any manual, un-skilled, skilled, technical, operational, clerical or supervisory work. If he falls within these categories, it has then to be seen whether he comes within any of the four excluded categories mentioned in section 2 (s) of the Act. The relevant portion of the aforesaid judgment reads as under:

**24..... Hence, the position in law as it obtains today is that a person to be a workman under the ID Act must be employed to do the work of any of the categories, viz., manual, unskilled, skilled, technical, operational, clerical or supervisory. It is not enough that he is not covered by either of the four exceptions of the definition. We reiterate the said interpretation."**



15. In the present case, the plea of the petitioner is that he was appointed as senior sales manager w.e.f. 3.6.2008. Though, the petitioner has stated in his petition that he was a workman under the respondent, however, he has neither pleaded nor proved the exact nature of work done by him. In the evidence also he has not specified the exact nature of his duties. In cross examination he admitted that he was appointed as Senior Sales Manager and was not exercising any supervisory work. On the other hand RW-1 Shri Amit Sharma specifically deposed that the work of the petitioner was of Manager and he was not cross-examined on this aspect that the petitioner was not performing any managerial functions. The evidence led by the petitioner does not bring out the exact nature of work done by him. Therefore, in the absence of any evidence on record it cannot be said that the petitioner was not performing managerial functions with the respondent and as such he cannot be said to be a workman as defined under section 2 (s) of the Act.

16. The next contention raised by the learned counsel for the petitioner is that the petitioner had not tendered his resignation rather his resignation was sent through e-mail by fabricating his e-mail ID. However, except for the bald statement of the petitioner no evidence has been led by him to prove such contention. The perusal of Ex. RP-1 shows that the petitioner had tendered his resignation on 28.4.2009, with immediate effect. In cross-examination, the petitioner admitted that the mail ID contained in Ex. RP-1 has been sent through his mail ID to Regional Head of respondents. Though, the petitioner has stated that he lodged a complaint regarding misuse of his e-mail account to the Police but no such complaint has been produced by the petitioner before this Court. He further admitted in the cross-examination that the e-mail account of a person cannot be operated without using a secret password. However, he has failed to prove that his secret e-mail password was misused by somebody. Hence, in the absence of any cogent and satisfactory evidence, on record, it cannot be said that the petitioner had not tendered his resignation through e-mail and his resignation was sent through e-mail by somebody by fabricating his mail account

17. Thus, keeping in view the entire evidence on record and my observations, hereinabove, the petitioner has failed to prove that he was a workman and his termination w.e.f. 28.4.2009, is in violation of the provisions of the Act. Hence, both the issues are decided accordingly.

### ***Issue no. 2.***

18. Since, I have held under issue no.1 & 3, above, that the petitioner does not fall under the category of workman as defined in section 2 (s) of the Act, and that his termination is not in violation of the provisions of the Act, hence, this issue becomes redundant.

### ***Relief.***

As a sequel to my findings on the aforesaid issues, the claim of the petitioner fails and is hereby dismissed. Consequently, the reference stands answered against the petitioner and in favour of the respondent. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced in the open Court today on this 22<sup>nd</sup> Day of September 2015.

(Sushil Kukreja)  
Presiding Judge,  
Industrial Tribunal-cum-  
Labour Court, Shimla.

**IN THE COURT OF SUSHIL KUKREJA, PRESIDING JUDGE, INDUSTRIAL TRIBUNAL CUMLABOUR COURT, SHIMLA, (H.P).**

**Ref. No. 6 of 2010.**

**Instituted on.12.4.2010.**

**Decided on 21.9.2015.**

Gulabi Devi W/o Shri Shankar Dass, R/o Village Parhat, P.O Hatkoti, Tehsil Jubbal District Shimla, HP. *.Petitioner.*

*Vs.*

The Sr. Executive Engineer, Sawra Kudu Construction Division no.2, Pabbar Vally Power Corporation, Hatkoti, Tehsil Jubbal, District Shimla, HP. *.Respondent.*

**Reference under Section 10 of the Industrial Disputes Act, 1947.**

**For petitioner :** Shri Narbir Chauhan, Advocate.

**For respondent :** Shri Ritesh Sharma, Advocate.

**AWARD**

The following reference has been sent by the appropriate government for adjudication:

**“Whether the termination of the services of Smt. Gulabi Devi W/o Shri Shankar Dass by the Sr. Executive Engineer, Sawra Kudu Construction Division no.2, Pabbar Vally Power Corporation, Hatkoti, Tehsil Jubbal, District Shimla, HP w.e.f. 1.4.2007, without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of back-wages, service benefits and amount of compensation the above aggrieved workman is entitled to?”**

2. Briefly, the case of the petitioner is that initially she was appointed as part time sweeper in the month of June, 2005 and worked continuously upto March, 2007. On 1.4.2007, her services had been terminated orally without compliance with the provisions of section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred as Act). She was getting a sum of Rs. 450 to Rs. 700/- per month. It is asserted that the respondent had not released the salary of the petitioner for the month of March, 2007. The petitioner had worked continuously till March, 2007 and as such completed 240 days in a calendar year preceding twelve months. Since, juniors to her are still working with the respondent, hence, the termination of the services of the petitioner is in violation of sections 25-G & H of the Act. Against his back-drop a prayer for her reinstatement with all consequential service benefits, has been made.

3. The respondent has contested the claim of the petitioner by filing reply wherein preliminary objection qua maintainability has been raised. On merits, it has been asserted that the petitioner was engaged as part time sweeper with the condition that if regular sweeper is appointed or permanent sweeper joins, her services would be terminated without serving the notice. Hence, as per the oral appointment and upon the muster roll of part time labourer needs no compliance of serving any notice before termination. It is further asserted that the salary for the month of March, 2007, had been released in favour of the petitioner. The services of the petitioner were engaged for

three hours per day as per the work available for the sweeping of the office. Hence, the respondent has prayed for the dismissal of the claim petition.

4. No rejoinder was filed. Pleadings of the parties give rise to the following issues which were struck on 28.10.2011.

5. Whether the termination of services of the petitioner by the respondent is in violation of the provisions of the Industrial Disputes Act, 1947? . . . *OPP.*

6. If issue no.1 is proved in affirmative, to what relief of service benefits, the petitioner is entitled to? . . . *OPP.*

7. Relief.

5. Besides having heard the Learned counsel for the parties, I, have also gone through the record of the case carefully.

6. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under.

*Issue no.1* Yes.

*Issue no.2* Entitled to reinstatement with seniority and continuity but without back wages.

*Relief.* Reference answered in favour of the petitioner and against the respondent, per operative part of order.

### ***Reasons for findings.***

#### ***Issue no.1***

7. The learned counsel for the petitioner contended that the services of the petitioner were illegally terminated without complying with the provisions of the Act as she had worked continuously for a period of 240 days in the preceding twelve calendar months. He further contended that the respondent had not adopted the principles of “first come last go” as juniors to the petitioner have been engaged who are still working with the department.

8. On the other hand, the learned counsel for the respondent contended that the petitioner was engaged as part time sweeper, upon the wages on hourly basis for specific hours in a day and being the part time worker, she was not a workman within the meaning of section 2 (s) of the Act and as such she could be retrenched at any time without issuing any notice, hence, there is no violation of any provisions of the Act.

9. In support of her claim, the petitioner stepped into the witness box as PW-1 and tendered her affidavit Ex. PW-1/A. The copy of legal notice sent through Advocate is Ex. PW 1/B. She also deposed that from the date of her termination, she is un-employed. Junior to her Shri Raj Bahadur was retained and new persons were engaged. In the cross-examination, she admitted that she was engaged as part time sweeper and the salary was being paid to her on hourly basis for two hours per day. She denied that she was engaged as the permanent sweeper was on leave. She admitted that her appointment was made orally and no appointment letter was issued to her. She

further admitted that at the time of her disengagement, wages for two months have not been paid to her. These days, she had been working on daily wages basis with the contractor.

10. PW-2 Shri Yoginder Dutt Sharma deposed that Gulabi Devi had worked as part time sweeper w.e.f. June, 2005 till March, 2007. On 1.4.2007, no notice under section 25-F was given to the petitioner. The copies of pay roll register w.e.f. June, 2005 to December, 2005 and Jan., 2006 to 31.1.2006 and w.e.f. Feb., 2006 to 28.2.2006 are Ex. PW-2/A to Ex. PW-2/C and the copies of the attendance register of the petitioner are Ex. PW-2/D to Ex. PW-2/Q. He further stated that the petitioner had worked from June, 2005 to March, 2007. He has stated that Gulabi Devi had approached them several times for her reengagement. In the cross-examination, he has admitted that Gulabi Devi was appointed as part time sweeper and neither any appointment letter nor termination notice was given to her. He further admitted that the petitioner was being paid the wages on hourly basis.

11. To rebut the case of the petitioner, the respondent has examined two RWs in all. RW-1, Shri Omkar Chand Dogra, Senior Manager has stated that he has been duly authorized vide Ex. RW-1/Z to depose in this case. The petitioner had been engaged as part time sweeper and the wages were being paid to her @ Rs. 9/- per hour. He further stated that the duty of the petitioner was three hours in a day. The petitioner had not been engaged on daily wages basis. The copy of attendance register of the petitioner is Ex. RW-1/A. No appointment letter, in writing, was issued to her. No notice is required to be served for the termination of part time sweeper. Vide Ex. RW-1/B, they had written to the Secretary for the sanction of wages of petitioner. The approval letters received from the Secretary are Ex. RW-1/C to Ex. RW-1/F. In the cross-examination, he has denied that the work was being taken from the petitioner for the whole day. He has admitted that there is no mention in attendance register that the work from Gulabi Devi was being taken only for three hours. He has admitted that no termination order had been issued to the petitioner before her retrenchment. He expressed his ignorance that in place of petitioner one Shri Ran Bahadur had been engaged. Shri Yoginder Dutt Sharma (RW-2) has supported the entire version of RW-1, in his examination.

12. I have closely scrutinized the entire evidence, on record, and from the closer scrutiny thereof it has become clear that the petitioner was engaged as part time sweeper by the respondent in the month of June, 2005. The first plea which has been taken by the respondent is to the effect that being a part time sweeper the petitioner cannot be stated to be a workman. Now, this Court is required to ascertain as to whether the petitioner falls within the category of workman or not as per section 2 (s) of the Act. This question came up for consideration before the Hon'ble Supreme Court **In (2008) 10 SCC 698, titled as Divisional Manager New India Assurance Company Ltd., Vs. A. Sankaralingam, the Hon'ble Supreme Court** wherein it has been held that a workman employed even on part time basis is a workman in terms of section 2 (s) of the Act and would be entitled to the benefits of section 25-F of the Act. The relevant portion of the aforesaid judgment is reproduced as under:

**“13. On the contrary, the preponderance of the judicial opinion that a workman working even on a part-time basis would be entitled to benefit of section 25-F of the Act, is clear from the various judgments which we have referred to above.....”**

**“18. The question as to whether a part time workman would be covered within the definition in section 2 (s) of the Act and whether he would be entitled to the benefits of continuous service under section 25-B and the benefit of section 25-F is answered in favour of the respondent workman.”**

Therefore, In view of the above cited ruling, it is clear that part time workmen are covered within the definition of workman as such it cannot be said that the petitioner is not a workman as contended by the learned counsel for the respondent. From the perusal of the record, it has become clear that the petitioner was engaged as a part time sweeper by the respondent in the month of June, 2005 and she worked as such till March, 2007, which fact is also clear from the pay roll register Ex. PW-2/A to Ex. PW-2/C and attendance register Ex. PW-2/D to Ex. PW 2/Q. It has not been denied by the respondent that the petitioner had not completed 240 working days in twelve calendar months preceding her termination rather it has been admitted by PW-2 Shri Yoginder Dutt Sharma, that the petitioner had worked from March, 2005 till June, 2007. The respondent had taken the plea that the petitioner was engaged as part time sweeper with the condition that if regular sweeper is appointed or permanent sweeper joins, the services of the petitioner would be terminated. However, no evidence has been led by the respondent to prove such plea. It was obligatory upon the respondent to have placed on record the appointment letter which could go to show that while engaging the services of the petitioner, she was told that her services would be terminated if the regular sweeper is appointed or permanent sweeper joins. In cross-examination, of the petitioner she specifically denied that she was engaged as the permanent sweeper had gone on leave and at the time of her engagement no appointment letter was given to her, therefore, it was for the respondent to show that what was the nature of the employment/engagement of the petitioner. In the present case, from the statement of the petitioner, as PW-1, it is clear that she had not been told by the respondent that her services had been engaged for specific period or that the same were deemed to have come to an end on the appointment of permanent/regular sweeper. When, from the evidence led by the petitioner, it has come on record that her services were not engaged for a specific period, then it was obligatory upon the respondent to place on record any document/appointment letter as per which the petitioner had been allegedly engaged for a specific period. However, no such documentary proof has been produced by the respondent. In her statement before the Court, the petitioner has categorically stated that neither she had been given any notice nor she was paid any retrenchment compensation before her termination. In the instant case, as stated above, the petitioner has proved on record that she remained in the job of the respondent as part time sweeper w.e.f. June, 2005 till March, 2007 and had completed 240 working days in twelve calendar months preceding her termination. At this juncture, it would be relevant to re-produce section 25-F of the Act, which reads as under:

**25-F. CONDITIONS PRECEDENT TO RETRENCHMENT OF WORKMEN.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until-**

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;**
- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent of fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and**
- (c) notice in the prescribed manner is served on the appropriate government ( or such authority as may be specified by the appropriate Government by notification in the Official Gazette.)**

13. The provisions of section 25-F of the Act lays down certain conditions precedent to the retrenchment of a workman (workmen) and requires the employer to comply with those conditions as per clauses (a) to (c) which are mandatory in law. However, in the present case, the perusal of the record shows that the respondent has not complied with any of the conditions of section 25-F as

enumerated in clause (a) to (c), precedent to the retrenchment of petitioner. Therefore, I have no hesitation in coming to the conclusion that the termination of services of the petitioner w.e.f. March, 2007 amounts to illegal retrenchment contrary to the mandatory provisions of section 25-F of the Act. Accordingly, issue no.1 is decided in favour of petitioner and against the respondent.

### ***Issue no.2.***

14. Since I have held under issue no.1 above that the termination of services of the petitioner by the respondent without following the provisions of section 25-F of the Act is improper, illegal and unjustified, hence, the petitioner is held entitled to reinstatement in service with seniority and continuity.

15. Now, the question which arises for consideration, before this Court is as to whether the petitioner is entitled to full back wages as contended by the learned counsel for the petitioner. In (2009) 1 SCC 20, Kanpur Electricity Supply Company Limited Vs. Shamim Mirza, the Hon'ble Supreme Court has held that "once the order of termination of services of an employee is set-aside, ordinarily, the relief of reinstatement is available to him. However, the entitlement of an employee to get reinstated does not necessarily result in payment of full or partial back wages, which is independent of reinstatement". It has further been held by the Hon'ble Supreme Court in 2010 (1) SLJ S.C 70, M/s Ritu Marbals Vs. Prabhakant Shukla that "full back wages cannot be granted mechanically, upon an order of termination be declared illegal. It is further held that reinstatement must not be accompanied by payment of full back wages even for the period when the workman remained out of service and contributed little or nothing to the Industry".

16. In the present case, the petitioner has also admitted that after her retrenchment she is working with some contractor on daily wages. Hence, it cannot be said that she was not gainfully employed from the date of her termination. Therefore, in view of the entire evidence, on record, coupled with the rulings (supra), I have no hesitation in holding that the petitioner is not entitled to any backwages. Accordingly, issue no.2 is partly decided in favour of the petitioner and against the respondent.

### **Relief**

As a sequel to my above discussion and findings on issue no.1 & 2, the claim of the petitioner succeeds and is hereby partly allowed and as such the petitioner is ordered to be reinstated in service forthwith with seniority and continuity from the date of her illegal retrenchment i.e. w.e.f. 1.4.2007. However the petitioner is not entitled to back wages. Hence, the reference is ordered to be answered in affirmative. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced in the open Court today on this 21st Day of September 2015.

(Sushil Kukreja)  
Presiding Judge,  
Industrial Tribunal-cum-  
Labour Court, Shimla.

**IN THE COURT OF SUSHIL KUKREJA, PRESIDING JUDGE, INDUSTRIAL TRIBUNAL CUMLABOUR COURT, SHIMLA, (H.P).**

**Ref. No. 123 of 2010**

**Instituted on.27.10.2010.**

**Decided on 5.10.2015.**

Arun Kumar S/o Shri Rajinder Singh R/o Village Sion, P.O Durgapur, Tehsil & District Shimla, HP. *.Petitioner.*

*Vs.*

The Managing Director, HP Tourism Development Corporation, Ltd., The Mall Shimla, HP. *.Respondent.*

**Reference under Section 10 of the Industrial Disputes Act, 1947.**

**For petitioner :** Shri Hitender Thakur, Advocate vice csl.

**For respondent :** Ms. Virender Sharma, Advocate.

***AWARD***

The following reference has been sent by the appropriate government for adjudication:

**“Whether verbal termination of the services of Shri Arun Kumar S/o Shri Rajinder Singh Utility worker by the Managing Director, HP Tourism Development Corporation, Ltd., The Mall Shimla, w.e.f. 16.7.2005 without serving charge-sheet, without holding enquiry and reengaging junior persons thereby violating the provisions of section 25-H of the Industrial Disputes Act, 1947 is legal and justified? If not, to what back-wages, service benefits and relief above named workman is entitled to from the concerned employer/management?”**

2. In nutshell, the case of the petitioner is that on 7.5.2005, he was initially engaged by the respondent as utility worker on daily basis and the petitioner started discharging his duties with utmost devotion and to the entire satisfaction of his superiors. On 16.7.2005, the services of the petitioner were dispensed with in the most arbitrary and illegal manner, whereas, the persons junior to him were retained and some new persons have been engaged. It is averred that the petitioner had obtained the information under Right to Information Act, whereby list of workers engaged during the year, 2005 by the respondent has been furnished. The petitioner had not been allowed to complete 240 days with a view to pave way for appointment of some other persons and as such the action of termination is against the mandatory statutory provisions of section 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (hereinafter referred as Act). The petitioner is facing financial hardship as he is not gainfully employed. Against this back drop a prayer for reinstatement with full back-wages along-with interest @ 18% and other consequential service benefits has been made.

3. By filing reply, the respondent contested the claim of the petitioner wherein, preliminary objections qua maintainability, estoppel and that the petition filed by the petitioner is highly belated have been raised. On merits, it is asserted that the petitioner was engaged as a utility

worker on contract basis against seasonal requirement at Hotel Golf Glade, Naldehra, who had worked only for a period of two months during tourist season and he was automatically dis engaged on the completion of the term of the agreement. It is further asserted that the petitioner was well aware of the fact that his service are temporary and shall be dis-engaged after the season is over and term of the agreement is completed. Since, the provisions of the Act are not applicable in this case, hence, there is no violation of any statutory provisions of the Act and as such the respondent prayed for the dismissal of the petition.

4. Rejoinder not filed. Pleadings of the parties give rise to the following issues which were struck on 28.12.2011.

1. Whether the termination of the services of the petitioner by the respondent w.e.f. 16.7.2005, is in violation of the provisions of the Industrial Disputes Act, 1947? . . .*OPP*.

2. If issue no-1 is proved in affirmative, to relief the petitioner is entitled to? . . .*OPP*.

3. Whether the petition is not maintainable? . . .*OPR*.

4. Relief.

5. Besides having heard the learned counsel for the parties, I, have also gone through the record of the case carefully.

6. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under.

*Issue no.1* No.

*Issue no.2* Becomes redundant.

*Issue no.3.* No.

*Relief.* Reference answered against the petitioner and in favour of respondent, per operative part of award.

### ***Reasons for findings.***

#### ***Issue no.1***

7. The learned counsel for the petitioner contended that the services of the petitioner have wrongly been terminated by the respondent without following the mandatory provisions of the Act and his juniors are still working with the respondent.

8. On the other hand, the learned counsel for the respondent contended that the petitioner was engaged as a utility worker on contract basis against seasonal requirement, who had worked only for a period of two months during tourist season and he was automatically dis engaged on the completion of the term of the contract.

9. The petitioner stepped into the witness box as PW-1 and tendered his affidavit Ex. PW-1/A, in evidence, wherein he has reiterated all the averments as made-out by him in the claim petition. He also tendered copy of the list of workers engaged during the year, 2005 on contractual



daily wage basis Ex. PW-1/B. The letter dated 11.9.2008, written to Hon'ble Chief Minister is mark A and the information's supplied by the respondent under RTI Act are mark B and mark C. In the cross-examination, he has stated that he was orally engaged by the respondent as Masalchi on 16.2.2005. He admitted that when he started work, he was made known by the respondent that he was engaged on temporary basis but he further explained that he was assured orally that his services would be regularized later-on. He also admitted that in the Hotel of respondent at Naldehra, the work was seasonal. He also admitted that he was engaged for specific seasonal work and for specific period. He further admitted that he had been paid all the dues. He admitted that on the completion of seasonal work, he was not called for work but explained that his junior was retained. He has also admitted that he has no proof which could go to show that his juniors are still working with the respondent.

10. To rebut the case of the petitioner Shri Gian Chand, Senior Assistant of the respondent has appeared in to the witness box as RW-1 and stated that he has been duly authorized to depose in this case vide authority letter Ex. R-1. As per contract between the parties, Ex. R-2, the petitioner was engaged as utility worker/seasonal worker w.e.f. 1.5.2005 to 28.7.2005. Ex. R-3 to Ex. R-5 are the copies of payment voucher. In the cross-examination, he stated that the petitioner was never called for work by giving him notice.

11. I have closely scrutinized the entire evidence, on record, and from the closer scrutiny thereof, it has become clear that the petitioner was engaged as utility worker by the respondent as per agreement Ex. R-2. The perusal of the contract goes to show that his services were to stand automatically terminated on the completion of the contract period i.e on 28.7.2005 and that no separate order/notice in this respect was required to be issued. It has also been admitted by petitioner in his crossexamination that he was made known by the respondent that he was engaged on temporary basis. He further admitted that there was seasonal work at the Hotel at Naldehra and that he was engaged for specific seasonal work and for a specific period w.e.f. 1.5.2005 to 28.7.2005. He also admitted that he has no proof regarding the engagement of the persons junior to him.

12. Hence, from the perusal of agreement Ex. R-2 coupled with the admission of petitioner, it stands duly proved on record that the petitioner had been engaged by the respondent on contract basis w.e.f. 1.5.2005 to 28.7.2005 for a specific period. The contract further provides that the services of the petitioner would stand automatically terminated on the completion of the period of the contract i.e on 28.7.2005 and no separate notice was required to be issued in this respect. In **2006 LLR 1233 SC in case titled as Vidya Vardhaka Sangha & Anr. V. Y.D Deshpande & Ors**, it has been held that:—

***“The appointment made on probation/ad-hoc basis for a specific period of time comes to an end by efflux of time and the person on such post can have no right to continue on the post. When after having accepted the terms and conditions stipulated in the appointment letter and allowed, the period for which they were appointed has been elapsed by efflux of time, they cannot be permitted to challenge the validity of their termination.***

*It was also held in (2006) 6 SCC 221, case titled as Reserve Bank of India V. Gopinath Sharma & Anr.* that workman not appointed to any regular post but engaged on the basis of need of work on day to day basis, had no right to the post.

*In 2006 (2) SCC 794 in case titled as Haryana State Agricultural Marketing Board V. Subhash Chand & Anr. the Hon'ble Supreme Court* has held as under:

**“11. The question as to whether Chapter V-A of the Act will apply or not would be dependent on the issue as to whether an order of retrenchment comes within the purview of Section 2 (oo) (bb) of the Act or not. If the termination of service in view of the exception contained in clauses (bb) of Section 2(oo) of the Act is not a 'retrenchment', the question of applicability of Chapter V-A thereof would not arise.**

**12. Central Bank of India Vs. S. Stayam whereupon reliance was placed by Mr. Singh, is itself an authority for the proposition that the definition of 'retrenchment' as contained in the said provision is wide. Once it is held that having regard to the nature of termination of services it would not come within the purview of the said definition, the question of applicability of Section 25-G of the Act does not arise.”**

13. In the instant case, admittedly, the petitioner was engaged on contract only for specific period to do the seasonal work and on the expiry of period of contract, his services stood automatically came to an end. Thus, on the basis of the above cited rulings and also having regard to the entire evidence on record, it can safely be concluded that the petitioner had been engaged on contract basis, who was not retrenched within the meaning of section 2(oo) of the Industrial Disputes Act, 1947 and that his case falls within the exception as prescribed under section 2(oo)(bb) of the Act. Consequently, the petitioner fails to prove this issue, to which my answer is in negative.

***Issue no.2.***

14. Since, the petitioner has failed to prove issue no.1, above, this issue becomes redundant.

***Issue no.3.***

15. At the time of arguments, the Ld. Counsel for the respondent could not show as to why this petition, in the present form is not maintainable. Since, the reference, from the appropriate government was received in this Court for adjudication, the petitioner filed statement of claim. It is not understandable as to why this petition is not maintainable. Accordingly by holding it to be maintainable, my answer to this issue is in 'No'.

***Relief.***

As a sequel to my findings on the aforesaid issues, the claim of the petitioner fails and is hereby dismissed. Consequently, the reference stands answered against the petitioner and in favour of the respondent. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced in the open Court today on this 5th Day of October, 2015.

(Sushil Kukreja)  
Presiding Judge,  
Industrial Tribunal-cum-  
Labour Court, Shimla.

**IN THE COURT OF SUSHIL KUKREJA, PRESIDING JUDGE, INDUSTRIAL TRIBUNAL CUMLABOUR COURT, SHIMLA, (H.P).****Ref. No. 67 of 2013****Instituted on.16.9.2013****Decided on 7.10.2015.**

Roop Kishore S/o Shri Ram Bharose R/o House No. 743, Krari Mohalla, Kalka, District Panchkula, Haryana. *.Petitioner.*

*Vs.*

The Managing Director, M/s Divyani Food Industry Pvt. Ltd. Plot no. 1/21 Thana Baddi, Tehsil Nalagarh, District Solan, HP. *.Respondent.*

**Reference under Section 10 of the Industrial Disputes Act, 1947.**

**For petitioner :** Shri R.K Khidta, Advocate.

**For respondent :** Shri Surender Saklani, Advocate.

**AWARD**

The following reference has been sent by the appropriate government for adjudication:

**“Whether termination of the services of Shri Roop Kishore S/o Shri Ram Bharose Lal R/o House no. 743, Krari Mohalla, Kalka District Panchkula Haryana by Employer/ Managing Director, M/s Divyani Food Industry Pvt. Ltd. Plot no. 1/21 Thana Baddi, Tehsil Nalagarh, District Solan, HP w.e.f. 26.9.2008, without following the mandatory provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”**

2. In nutshell, the case of the petitioner is that he was engaged as worker by the respondent company on 1.9.2006 and later-on the respondent issued appointment letter in the name of the petitioner whereby he was appointed as assistant operator (production) after due selection and interview. He continued as such till 8.9.2008, on which date the petitioner received grievous injuries in his right hand finger while performing duty in the factory due to which he remained on leave w.e.f. 9.9.2008 till 24.9.2008. On 26.9.2008, after recovery, the petitioner went to the factory to join his duties along-with medical certificate but he was not allowed to join the same. It is further asserted that when he was not allowed to join the duty despite repeated requests, the petitioner was compelled to submit/file a complaint to Labour Officer, Solan but no action was taken by the Labour Officer, Solan and thereafter, he filed demand notice under section 2-A of the Industrial Disputes Act, 1947 (hereinafter referred as Act) but he was not taken back in service by the respondent company. When nothing was heard in the matter, he made a request to the senior private secretary to the Hon’ble Labour & Employment Minister, HP upon which the Labour Commissioner sent a letter to Labour Officer, Solan to look into the grievance of the petitioner and to submit the report. On 23.12.2008, the petitioner received a letter from the respondent whereby he was directed to join the duty but when he went to join his duties, he was not allowed to work and was compelled to wait out-side and ultimately he was asked to go. On 27.12.2008, due to adamant attitude of the

respondent, the conciliation proceedings before the Labour Officer, Solan failed. It is further averred that thereafter, the petitioner sent reminders to the Hon'ble Minister of Labour & Employment, HP and also to Labour Commissioner, Shimla on 4.2.2009 and 24.4.2009 respectively. On 1.5.2009, the petitioner received a letter from the respondent company wherein he was asked to join the duty immediately but again he was not allowed to join the same. On 31.3.2010, the petitioner received a letter from the Labour Commissioner, Shimla wherein it was written that he (petitioner) remained absent from duty and the respondent is ready to take him back in job. After receiving the letter, aforesaid, the petitioner went to join his duties but he was not allowed to join the same and thereafter, the petitioner filed writ petition before the Hon'ble High Court, and the present reference has been sent to this Court for adjudication. It is also averred that no notice as per requirement of law or compensation in lieu of the notice has been paid to the petitioner by the respondent before terminating his services. The work & conduct of the petitioner remained upto the satisfaction of the official of the respondent company. The petitioner had already completed 240 days in preceding twelve calendar months from the date of his illegal termination and juniors/new persons to him have been retained/engaged in service. The work which the petitioner was performing is still available and his termination from services tantamount to the unfair labour practice. Against this back-drop, a prayer for reinstatement with full back-wages, seniority along-with other consequential service benefits by setting aside and quashing dismissal order dated 26.9.2008 has been made.

3. By filing reply, the respondent contested the claim of the petitioner wherein, preliminary objections qua maintainability and abandonment have been raised. On merits, it is asserted that vide appointment letter dated 1.7.2007, the petitioner had joined the respondent company as assistant operator (production). It is denied that the petitioner suffered grievous injury while performing duty in the factory on 8.9.2008 and he was not allowed to join duty after recovery. It is asserted that the petitioner remained absent from duty without any prior intimation, who visited the factory on 26.9.2008, after remaining absent from work for about 17 days and as such he was allowed to join the work but he had again left the factory premises without any intimation. It is further asserted that apart from verbal intimations, the respondent also gave formal written intimations to all concerned parties vide letters dated 5.11.2008, 13.11.2008 and 23.12.2008 but the petitioner never wanted to join the same. The services of the petitioner had never been terminated by the respondent who himself had abandoned the job, hence, there is no question of giving compensation and prior notice. Since, the petitioner had committed dereliction of duty by remaining absent from duty for more than fifteen days without intimation and as such the respondent has the right to take appropriate action against him and as such the respondent prayed for the dismissal of the petition.

4. By filing rejoinder, the petitioner reaffirmed the allegations by denying those of the respondent.

5. Pleadings of the parties give rise to the following issues which were struck on 4.7.2014.

1. Whether the termination of the services of the petitioner w.e.f. 26.9.2008, is illegal and unjustified as alleged? ..OPP.
2. If issue no-1 is proved in affirmative to what service benefits the petitioner is entitled to? ..OPP.
3. Whether this petition is not maintainable as alleged in preliminary objection no.1? ..OPR.
4. Relief.

6. Besides having heard the learned counsel for the parties, I, have also gone through the record of the case carefully.

7. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under.

*Issue no.1* No.

*Issue no.2* Becomes redundant.

*Issue no.3.* No.

*Relief.* Reference answered against the petitioner and in favour of respondent, per operative part of award.

### ***Reasons for findings.***

#### ***Issue no.1***

8. Shri R.K Khidta, learned counsel for the petitioner contended that the services of the petitioner have wrongly been terminated by the respondent without following the mandatory provisions of the Act and his juniors are still working with the respondent. He further contended that the petitioner received grievous injury in his right hand figure while performing duty in the factory and after the recovery from injury, he was not allowed by the respondent to join his duties.

9. On the other hand, Shri Surender Saklani, learned counsel for the respondent contended that the services of the petitioner had never been terminated by the respondent, rather he himself had abandoned the job without any intimation to the respondent company.

10. The petitioner stepped into the witness box as PW-1 and tendered his affidavit Ex. PW-1/A, in evidence, wherein he has reiterated all the contents as made-out by him in the claim petition. He also tendered in evidence appointment letter Ex. PW-1/B, complaint dated 27.9.2008, Ex. PW-1/C, copy of demand notice Ex. PW-1/D, letter dated 9.12.2008, Ex. PW-1/E and letter dated 23.12.2008, Ex. PW-1/F. In the cross-examination, he has denied that after receiving appointment letter, he had joined his duty but explained that he was working prior to issuance of appointment letter. He made an application to the respondent company for leave w.e.f. 9.9.2008 to 24.9.2008 due to serious injury sustained by him. He does not remember on which date he had written the letters to the company. He denied that the company had written letters to him to join his duties. He denied that he remained absent willfully from the duty and abandoned the job.

11. To rebut the case of the petitioner Shri Pyush Mani Tripathi, Executive HR has appeared in to the witness box as RW-1 and tendered his affidavit Ex. RW-1/A in examination in-chief. He also tendered authority letter Ex. RW-1/2, letter dated 17.7.2009, Ex. RW-1/3, letter dated 5.11.2008, Ex. RW-1/4 and letters Ex. RW-1/5 and Ex. RW-1/6. The copy of report under section 12 (4) dated 31.3.2010 is Ex. RW-1/7 and the copy of show cause notice dated 4.7.2008 is mark A. In the cross-examination, he denied that the petitioner had joined the company on 1.9.2006 as worker but explained that he was engaged on 1.7.2007. He has denied that the petitioner sustained injury on 8.9.2008 on the fingers while on duty. He admitted that on 26.9.2008, the petitioner reported for duty. He has denied that the petitioner was not allowed to join his duties. He has admitted that the petitioner had worked continuously from the date of his engagement till 8.9.2008. He has also admitted that the petitioner had worked for more than 240 days. He has stated that the respondent is ready to take the petitioner back in service. He has admitted that no enquiry had been conducted against the petitioner. He has further admitted that new persons have been retained by the respondent.

12. I have closely scrutinized the entire evidence, on record, and from the closer scrutiny thereof, it has become clear that the petitioner was engaged as assistant operator (production) by the respondent company vide appointment letter Ex. PW-1/B. No doubt, the petitioner has stated as PW-1 that prior to issuance of appointment letter Ex. PW-1/B, he had worked with the respondent w.e.f. 1.9.2006 but in support of his such version he has not filed any document on record which could go to show that he was engaged on 1.9.2006. No record, in this regard was summoned by the petitioner from the respondent company in order to prove the actual date of engagement of the petitioner, therefore, I have no other option but to hold that the services of the petitioner had been engaged by the respondent company vide appointment letter Ex. PW-1/B w.e.f. 1.7.2007.

13. Now adverting to the other aspects of the case, the petitioner has categorically stated as PW-1 that his services had been terminated by the respondent in an illegal manner without following the mandatory provisions of the Act. The petitioner further stated that w.e.f. 9.9.2008 till 26.9.2008, he remained on medical leave because he received grievous injuries in his right hand figure while performing duty on 8.9.2008. In support of his such version, he has placed on record the prescription slip along-with medical bills, mark X to mark X-4. On the other hand, RW-1 Shri Pyush Mani Tripathi, HR Executive has deposed that the services of the petitioner had never been terminated by the company rather, he himself had abandoned the job without any intimation. The respondent has produced on record letter dated 5.11.2008, Ex. RW-1/4, which shows that the petitioner was called by the respondent to resume his duties. The respondent has also informed vide letter Ex. RW-1/5 to the Labour Inspector-cum- Conciliation Officer, Baddi that it had no objection if the petitioner joins his duties. Thereafter, letter dated 23.12.2008 Ex. RW-1/6 was also issued to the petitioner whereby he was again advised to come and join his duties. It is the admitted case of the petitioner that he remained absent from duty w.e.f. 9.9.2008 without any prior intimation to the respondent. It has also been admitted by the petitioner in his petition that he received letters dated 23.12.2008 and 1.5.2009 from the respondent whereby he was asked to join the duties. In fact, the letter dated 23.12.2008, written by the respondent to the petitioner to join his duties has been tendered in evidence by the petitioner himself as PW-1/F. In his cross-examination, also, the petitioner admitted that on 26.9.2008, he visited the company and discharged his duties during the night time for one hour, which falsify the claim of the petitioner that he was not allowed to join his duties by the respondent. Moreover, RW-1 in cross examination stated that the respondent company is still ready to take back the petitioner in service. As observed earlier, the perusal of the material placed on record shows that the respondent had been issuing various letters to the petitioner to resume his duties but the petitioner had not joined the same and such conduct on the part of the petitioner speaks that he himself had abandoned his job and his services were not terminated by the respondent.

14. Learned counsel for the petitioner contended that neither any notice was issued to the petitioner by the respondent for his alleged willful absence from duties nor any enquiry was held, therefore, it cannot be said that the petitioner had abandoned his job and as such the termination of the services of the petitioner is in violation of the provisions of the Act. However, I am not inclined to accept this contention of the learned counsel for the petitioner in view of the overwhelming evidence on record which goes to show that the services of the petitioner had not been terminated by the respondent rather he himself had abandoned his job. In a similar situation our own Hon'ble High Court *In Nagar Parishad Bilaspur Vs. Bone Ram reported in 2005 (1) Shim. LC 79* has held that where the conduct of the workman is such that he had abandoned his job, his services would stand automatically terminated in law. The relevant extract of the aforesaid judgment reads as under:

**“10..... In this background, the only inference which can be drawn from the conduct of the workman is that he abandoned his job and his services stood automatically terminated in law. Such an automatic termination of services, caused by workman himself and not by the Employer, would not fall within the definition of “retrenchment”.**

15. In the instant case also as observed earlier when the respondent had been issuing letters to the petitioner to resume his duties but despite that the petitioner had not joined the same, his such conduct clearly speaks that he himself had abandoned his job and his case would not fall within the definition of retrenchment as such there is no question of violation of any provision of the Act. Hence, it cannot be said that the termination of the services of the petitioner w.e.f. 26.9.2008, is illegal and unjustified. Consequently, this issue is answered in negative.

***Issue no.2.***

16. Since, the petitioner has failed to prove issue no.1, this issue become redundant.

***Issue No.3.***

17. In support of this issue, no evidence was led by the respondent. Moreover, I find nothing wrong with this petition which is perfectly maintainable in the present form. Hence, this issue is decided in favour of the petitioner and against the respondent.

***Relief.***

As a sequel to my findings on the aforesaid issues, the claim of the petitioner fails and is hereby dismissed. Consequently, the reference stands answered against the petitioner and in favour of the respondent. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced in the open Court today on this 7th Day of October, 2015.

(Sushil Kukreja)  
Presiding Judge,  
Industrial Tribunal-cum-  
Labour Court, Shimla.

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IN THE COURT OF SUSHIL KUKREJA, PRESIDING JUDGE, INDUSTRIAL TRIBUNAL  
CUMLABOUR COURT, SHIMLA, (H.P).

Ref No. 52 of 2011

Instituted on. 22.11.2011.

Decided on 16.10.2015

Kamal Deep Bhatia, S/o Shri H.S Bhatia, R/o VPO Mehli, Tehsil & District Shimla, HP.  
. .Petitioner.

*Vs.*

1. Secretary Horticulture, to the Government of Himachal Pradesh, Shimla-2.
2. Managing Director, Agro Packaging Industrial Packging Ltd., Nigam Vihar, Shimla-2.  
. .Respondents.

**Reference under section 10 of the Industrial Disputes Act, 1947.**

**For petitioner :** Shri Raj Kumar, Advocate.

**For respondent no.1 :** Shri Devender Chandel, ADA.

**For respondent no.2. :** Shri Rohit Sharma, Advocate.

### **AWARD**

The following reference has been received from appropriate government for adjudication:

***“Whether termination of services of Shri Kamal Deep Bhatia S/o Shri H.S Bhatia by the Managing Director, Agro Industrial Packaging India Ltd., Nigam Vihar, Shimla HP w.e.f. 31.8.1998 without complying the provisions of section 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 is legal and justified? If not, to what back-wages, service benefits, and relief the above named workman is entitled to from the concerned employer? ”***

2. Facts, in brief, as narrated in the petition are that the petitioner was initially appointed as Clerk on daily wage basis w.e.f. 22.9.1995 for 89 days but on completion of said period, after giving 2-3 days fictional breaks, he was being re-engaged and as such he continued to work up to 20.9.1998. Despite giving 2-3 days break, the petitioner had completed 240 days in a calendar year and his services had been terminated verbally by the respondent in violation of the provisions of section 25-F, 25- G and 25-H of the Industrial Disputes Act, 1947 (hereinafter referred as Act). The services of the petitioner had been terminated without following the proper procedure of law as neither any notice nor compensation in lieu thereof had been given to him. It is further stated that the respondent also violated the well settled provisions of law by retaining number of junior person to the petitioner. One Smt. Shana Devi was engaged on 7.6.1996, Shri Hem Raj was engaged on 22.9.1996 and Smt. Uma Kanwar was engaged on 26.12.1997. The petitioner made number of representations to the respondents but the same are still pending and no reply thereof has been given by the respondents. Since, the petitioner has not been reengaged in service, he filed a demand notice but the conciliation proceedings failed and the matter was sent to this Court for adjudication. Since, the services of the petitioner had been terminated in an illegal manner, a prayer for his reinstatement in service w.e.f. 20.9.1998 with all consequential benefits such as seniority and back-wages has been made.

3. The respondent no.1 contested the claim by filing a reply wherein preliminary objections qua maintainability and barred by limitation, were raised. On merits, it is asserted that due to reduction of work, there was no need to keep more persons with the replying respondent, a decision was taken by the replying respondent on 6.11.1998, as per which, only 15 clerks after rationalization of staff were kept. The services of the petitioner had not been renewed thereafter and he was removed from service as per agreed terms and conditions between the employer and employee. The services of the petitioner had been engaged only for 89 days and keeping in view the reduction of work with the replying respondent and also in view of the decision taken by the respondent department to keep only fifteen clerks out of 29 clerks after rationalization, hence, there was no need to comply with the provisions of section 25-F of the Act. It is further asserted that Smt. Uma Devi had been employed with the respondent department on compassionate grounds and Smt. Shana Devi had been re-engaged on the direction of Labour Court and an appeal against the award dated 30.7.2010, has also been filed before the Hon’ble High Court and as such there is no violation of section 25-F of the Act. It is admitted that some representations were received from the petitioner till the year, 2003, which were duly replied by the replying respondent. Hence, prayed for the dismissal of the claim petition.



4. Respondent no.2 also contested the claim petition by filing separate reply wherein preliminary objections qua relationship of employer and employee, maintainability, locus standi and misjoinder of necessary parties. On merits, it is asserted that the services of the petitioner were never terminated by the replying respondent rather who had been engaged by respondent no.2 and as such prayed for the dismissal of the claim petition.

4. By filing rejoinder, the petitioner reiterated his allegations by denying those of the respondents.

6. Pleadings of the parties gave rise to the following issues which were struck on 9.12.2013.

1. Whether the termination of the services of the petitioner w.e.f. 31.8.1998 without complying with the provisions of the Industrial Disputes Act, 1947 is illegal and unjustified as alleged? . . .OPP.
2. If issue no.1 is proved in affirmative to what service benefits the petitioner is entitled to? . . .OPP.
3. Whether this petition is not maintainable against respondent no.1 as alleged in preliminary objections no 1 to 3? . . .OPR-1.
4. Whether this petition is not maintainable for mis-joinder of necessary parties? . . .OPR-1.
5. Whether this petition is not maintainable as per preliminary objections no. 1 to 4 taken by respondent no.2 as alleged? . . .OPR-2.
6. Relief.

5. I have heard the learned counsel for the parties and have also gone through the record of the case carefully.

6. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under.

*Issue no.1* Yes.

*Issue no.2* Entitled to reinstatement with seniority and continuity but without back wages.

*Issue no.3* Yes.

*Issue no.4* No

*Issue no.5.* No

*Relief.* Reference answered in favour of the petitioner and against the respondent, per operative part of award.

*Reasons for findings.**Issue no.1*

7. Learned counsel for the petitioner has contended that the petitioner was engaged as clerk on daily wages basis w.e.f. 22.9.1995 for 89 days basis and after the breaks of 2-3 days he was being re-engaged and as such worked till 20.9.1998 and thereafter his services had been terminated in contravention of the provisions of the Act. He further contended that juniors to the petitioner Smt. Uma Kanwar and Smt. Shana Devi are still working with the respondent whereas the services of the petitioner had been terminated without affording any opportunity of being heard.

8. On the other hand, the learned ADA for respondent no. 1 contended that there exists no relationship of employer and employee between the petitioner and respondent No. 1 as the petitioner was the employee of respondent no. 2 and as such the petition is not sustainable against respondent no. 1. Learned counsel for respondent no. 2 contended that the job of the petitioner was contractual in nature for a period of 89 days and the said appointment would not confer any right on the petitioner for his reinstatement as such there was no need to comply with the provisions of section 25-F of the Act.

9. The petitioner Shri Kamal Deep Bhatia has appeared into the witness box as PW-1 to depose that he was engaged as helper on daily wages basis in the year, 1995 and on 22.9.1995, he was appointed as clerk. He was being given 2-3 days break by the respondent no.2 and as such he worked continuously till 20.9.1998. He had worked for 240 days in a calendar year. Ex. PW-1/A, is his seniority list. Thereafter, he was transferred to Pragti Nagar, Gumma where he worked continuously till 20.9.1998. On 21.9.1998, he was terminated without giving any notice and compensation. His juniors namely Uma Devi and Shana Devi had not been disengaged. Smt. Shana Devi was re-engaged on the orders of Labour Court, Shimla. Vide representations mark B to mark G he represented to the respondent no.1 for his reengagement but the department had not replied the same. When cross-examined on behalf of respondent no.2, he stated that initially he was engaged through appointment letter Ex. PX-1. He admitted that he was engaged for fixed period which was renewed from time to time after 89 days till September, 1998. He denied that he had not completed 240 days in a preceding calendar year w.e.f. 20.9.1998. He admitted that he raised demand notice on 30.8.2010. He also denied that he had not sent representations mark B to Mark G to the department. He admitted that after 20.9.1998, his services had not been continued because he had not received office order in this regard. Respondent no.1 adopted the cross-examination as conducted by respondent no.2.

10. PW-2 Shri Balbir Singh stated on the basis of record that petitioner was working in their office and seniority list Ex. PW-1/A had been issued from their office. Smt. Shana Devi was the junior to the petitioner and she was retained by the department. Smt. Uma Devi was engaged on compassionate grounds on the place of her husband. The petitioner had completed 240 days in a calendar year. In the cross-examination, he stated that the petitioner was engaged for 89 days basis and as per the requirement of work he was being re-engaged. Due to non availability of work, on 20.9.1998, the contract of the petitioner was not renewed. Ex. RX, is the copy of last contract extension of petitioner. When crossexamined on behalf of respondent no.1, he admitted that the petitioner was engaged by the Nigam and not by government. He further admitted that the petitioner was not terminated by the government but his contract was not renewed by Nigam.

11. To rebut the case of the petitioner, the respondent no.1 examined Shri Dinesh Goyel, Senior Manager as RW-1, who deposed that he had worked as Manager Personnel with Agro Industrial Packaging till the year, 2008. The petitioner was initially engaged as office helper on 11.8.1995 and thereafter on 21.9.1995, he was engaged as daily wage clerk for 89 days basis. The

petitioner was also given appointment letter on 11.8.1995 vide Ex. RX-1. The last order of renewal in favour of the petitioner had been made on 11.6.1998 vide Ex. RX and thereafter no further extension was granted. Agro Industrial Packing had now been declared as defunct. No fresh hands were engaged after the discontinuation of the services of the petitioner and no junior persons had been retained by the Agro Industrial packaging. In the cross-examination, on behalf of petitioner he admitted that the petitioner had completed 240 working days in the preceding calendar year and letter Ex. PA is correct as per record. He admitted that Shana Devi was re instated as per the direction of the Court and Uma Kanwar was engaged on 26.12.1997 on compassionate grounds. He further admitted that the petitioner had given representations till 2003 to take him back in service but the department had not responded to the same. Neither any notice nor any compensation had been given to the petitioner before dispensing his services. He denied that after the year 2003, the petitioner had given the representations to the department to take him back in service.

12. I have closely scrutinized the entire evidence, on record, and from the closer scrutiny thereof it has become clear that the petitioner had worked with the respondent no.1 as clerk for 89 days basis w.e.f. 21.9.1995 till 20.9.1998. On the record, the respondents have brought office orders to Ex. RX and Ex. RX-1 which show that the engagement of the services of the petitioner were purely on contract basis for a period of 89 days. At this stage, I would like to point out that this fact cannot be ignored that the services of the petitioner were kept on being re engaged after the expiry of the office order till, his services stood finally disengaged. It is also not a disputed fact that before his alleged termination/disengagement, the petitioner had not been given notice or paid retrenchment compensation. The mandays chart, Ex. PA goes to show that in the twelve calendar months preceding his alleged termination, the petitioner had completed 240 days. This fact has also been admitted by Shri Dinesh oyall, Personnel Manager, (RW-1). It has been held by the Hon'ble Supreme Court In **Haryana State Electronics Development Corporation Limited Vs Mamnl, (2006) 9 SCC 434**. that the a short period 89 days basis and termination of services at the end of the action of termination and re-appointment repeated again and again is not bonafide but adopted to defeat the object of the Act. Thus it is not covered by section 2(oo) (bb) of the Industrial Disputes Act, 1947. The relevant portion of the aforesaid judgement is reproduced as under:

16. **Similarly our own Hon'ble High Court in case Shri Manoj Kumar Sharma Vs. HRTC & Another in CWP No. 39 of 06 dated 28.5.2007** has held that the intention of the management was not to engage the respondent workman for a specified period was to defeat the rights of a workman under section 25-F of the Act as in that case also the petitioner was initially appointed for 89 days and after giving him fictional breaks, reappointed for another 89 days followed by one year appointment. The practice has been adopted by the management of HRTC to defeat the provisions of section 25F of the Industrial Disputes Act, 1947 which amounts to unfair labour practice.

12. Undoubtedly, the respondents have taken a plea that since, the services of the petitioner had been engaged on contract basis as per office orders, aforesaid, his alleged termination/disengagement does not fall within the definition of retrenchment as given under section 2 (oo) but the same is governed by the exception as given under section 2 (oo) (bb) of the Act but the plea of the respondent does not hold good in view of the law laid down supra. Since, it stands proved, on record, that in the preceding twelve calendar months, before his termination, the petitioner had completed 240 days, it was obligatory upon the respondents to have issued him notice and also to pay him retrenchment compensation as per section 25-F of the Act. Since, nothing such was done, I have no hesitation in holding that the alleged termination/disengagement of the petitioner is in contravention of the provisions of section 25-F of the Act and for this reason, the same is illegal and improper.

13. Now, adverting to the other aspect of the case, the petitioner has also challenged his termination to be illegal on the ground that his juniors namely Smt. Shana Devi and Smt. Uma Kanwar

### Issue no.2

16. Now, the question which arises for consideration, before this Court is as to whether the petitioner is entitled to full back wages as contended by the learned counsel for the petitioner. The petitioner neither pleaded nor proved that he was not gainfully employed after his retrenchment. In (2009) 1 SCC 20, Kanpur Electricity Supply Company Limited Vs. Shamim Mirza, the Hon'ble Supreme Court has held that "once the order of termination of services of an employee is set-aside, ordinarily, the relief of reinstatement is available to him. However, the entitlement of an employee to get reinstated does not necessarily result in payment of full or partial back-wages, which is independent of reinstatement". It has further been held by the Hon'ble Supreme Court in 2010 (1) SLJ S.C 70, M/s Ritu Marbals Vs. Prabhakant Shukla that "full back wages cannot be granted mechanically, upon an order of termination be declared illegal. It is further held that reinstatement must not be accompanied by payment of full back wages even for the period when the workman remained out of service and contributed little or nothing to the Industry".

17. In the present case, the petitioner only prayed for his reinstatement with backwages in his statement of claim and in his statement as PW-1. The petitioner was under an obligation to plead and prove by leading cogent evidence that he was not gainfully employed after his retrenchment. The initial burden is on the workman/employee to show that he was not gainfully employed as held by the Hon'ble Apex Court in (2005) 2 Supreme Court Cases 363 titled as Kendriya Vidyalaya Sangathan and another Vs. S.C Sharma that :

**"16.....When, the question of determining the entitlement of a person to back-wages is concerned, the employee has to show that he was not gainfully employed. The initial burden is on him. After and if he places materials in that regard, the employer can bring on record materials to rebut the claim....."**

18. In the present case, as observed hereinabove, the petitioner has failed to discharge his burden by placing any material on record that he was not gainfully employed after his termination i.e. w.e.f. 1.11.2007. Therefore, in view of the entire evidence, on record, coupled with the rulings (supra), I have no hesitation in holding that the petitioner is not entitled to any back-wages. Accordingly, issue no.2 is partly decided in favour of the petitioner and against the respondent.

### Issue no.3

19. From the careful perusal of the record, there is nothing to suggest that the petition is barred by res-judicata. Hence, this issue is decided against the respondent.

### Relief

For the reasons recorded hereinabove, the claim of the petitioner is partly allowed and he is ordered to be reinstated in service forthwith with seniority and continuity but without back wages and as such the reference is answered accordingly. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 16th day of September, 2015.

(Sushil Kukreja)  
Presiding Judge,  
Industrial Tribunal-cum-  
Labour Court, Shimla.

ब अदालत बच्चन सिंह (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

विमला पत्नी श्री दालती, निवासी कुठेड, परगना पियुरा, तहसील चम्बा

बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत राडी, विकास खण्ड मैहला

विषय.—जन्म तिथि दुरुस्ती सम्बन्धी।

इस अदालत में विमला पत्नी श्री दालती, निवासी कुठेड, परगना पियुरा, तहसील चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उनकी सही जन्म तिथि 13-03-1968 है जो उसके मायके के परिवार रजिस्टर में दर्ज है परन्तु उसके ससुराल के परिवार रजिस्टर में जन्म तिथि 1964 दर्ज है जो सही नहीं है। प्रार्थिन ने ग्राम पंचायत राडी में उसकी जन्म तिथि 13-03-1968 को दर्ज करने का अनुरोध किया है।

अतः सर्वसाधारण जनता को इश्तहार द्वारा सूचित किया जाता है कि विमला पत्नी श्री दालती, निवासी कुठेड, परगना पियुरा, तहसील चम्बा की जन्म तिथि दुरुस्ती बारा अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इश्तहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी की जन्म तिथि को दुरुस्त करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत राडी को पारित कर दिए जायेंगे।

आज दिनांक 09-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत बच्चन सिंह (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

श्रीमती कुलदीप कौर पत्नी श्री बलवंत सिंह, निवासी मोहल्ला लोअर जुलाकडी, तहसील व जिला चम्बा।

बनाम

आम जनता एवं नगर परिषद् चम्बा, विकास खण्ड चम्बा

विषय.—जन्म सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में श्रीमती कुलदीप कौर पत्नी श्री बलवंत सिंह, निवासी मोहल्ला लोअर जुलाकडी, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उनकी पुत्री रोनिका की जन्म तिथि 15-02-1989 है लेकिन जन्म से सम्बन्धित घटना नगर परिषद् चम्बा, विकास खण्ड चम्बा में दर्ज न है।

अतः सर्वसाधारण जनता को इश्तहार द्वारा सूचित किया जाता है कि श्रीमती कुलदीप कौर पत्नी श्री बलवंत सिंह, निवासी मोहल्ला लोअर जुलाकडी, तहसील व जिला चम्बा की पुत्री की जन्म तिथि को ग्राम नगर परिषद् चम्बा, विकास खण्ड चम्बा के जन्म अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इश्तहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में

आपत्ति न आने की सूरत में प्रार्थी की पुत्री की जन्म तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु नगर परिषद् चम्बा, विकास खण्ड चम्बा को पारित कर दिए जायेंगे।

आज दिनांक 08-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत श्री बच्चन सिंह (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

श्री सुरिंदर कुमार पुत्र अमरो, निवासी गांव रिंडा, डाकघर उदयपुर, तहसील व जिला चम्बा

बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत रिंडा, विकास खण्ड चम्बा

विषय.—मृत्यु सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में श्री सुरिंदर कुमार पुत्र अमरो, निवासी गांव रिंडा, डाकघर उदयपुर, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उनकी दादी नामक मालती देवी की मृत्यु दिनांक 18-04-2005 को हो चुकी है लेकिन ग्राम पंचायत रिंडा के रिकार्ड से उनका नाम नहीं काटा गया है तथा प्रार्थी ने अपनी दादी की मृत्यु दर्ज करने व मृत्यु प्रमाण-पत्र लेने हेतु आवेदन किया है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि श्री सुरिंदर कुमार पुत्र अमरो, निवासी गांव रिंडा, डाकघर उदयपुर, तहसील व जिला चम्बा की दादी की मृत्यु को ग्राम पंचायत रिंडा विकास खंड चम्बा के मृत्यु अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में दिनांक 15-11-2015 तक सुबह 10.00 से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी की दादी की मृत्यु तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत रिंडा को पारित कर दिए जायेंगे।

आज दिनांक 08-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत श्री बच्चन सिंह (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

श्री देविंदर कुमार पुत्र श्री जय दयाल, निवासी गांव मऊआ, डाकघर कियांणी, तहसील व जिला चम्बा

बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत कियांणी, विकास खण्ड चम्बा

विषय.—मृत्यु सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में श्री देविंदर कुमार पुत्र श्री जय दयाल, निवासी गांव मऊआ, डाकघर कियांणी, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उनकी बुआ नामक चिकणी की मृत्यु तिथि 06-02-2005 है लेकिन मृत्यु से सम्बन्धित घटना ग्राम पंचायत कियांणी, विकास खण्ड चम्बा व जिला चम्बा में दर्ज न है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि श्री देविंदर कुमार पुत्र श्री जय दयाल, निवासी गांव मऊआ, डाकघर कियांणी, तहसील व जिला चम्बा की बुआ की मृत्यु को ग्राम पंचायत कियांणी, विकास खंड चम्बा के मृत्यु अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी की बुआ की मृत्यु तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत कियांणी को पारित कर दिए जायेंगे।

आज दिनांक 08-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत श्री बच्चन सिंह (हि0 प्र0 से0), उप मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

श्री कियुम मोहम्मद पुत्र श्री प्रेमदीन, निवासी गांव नाल, डाकघर कंदला, तहसील व जिला चम्बा

बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत कंदला, विकास खण्ड चम्बा

विषय.-जन्म सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में श्री कियुम मोहम्मद पुत्र श्री प्रेमदीन, निवासी गांव नाल, डाकघर कंदला, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उनकी पुत्री तान्या बेगम की जन्म तिथि 12-09-2010 है लेकिन जन्म से सम्बन्धित घटना ग्राम पंचायत कंदला, विकास खण्ड चम्बा में दर्ज न है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि श्री कियुम मोहम्मद पुत्र श्री प्रेमदीन, निवासी गांव नाल, डाकघर कंदला, तहसील व जिला चम्बा की पुत्री की जन्म तिथि को ग्राम सभा ग्राम पंचायत कंदला, विकास खण्ड चम्बा के जन्म अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी की पुत्री की जन्म तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम सभा कंदला को पारित कर दिए जायेंगे।

आज दिनांक 08-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत श्री बच्चन सिंह (हि० प्र० से०), उप-मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि० प्र०

श्री मुहम्मद खान पुत्र श्री इब्राहीम, निवासी गांव सनोचा, डाकघर साहू, तहसील व जिला चम्बा  
बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत प्रोथा, विकास खण्ड चम्बा

विषय.—जन्म सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में श्री मुहम्मद खान पुत्र श्री इब्राहीम, निवासी गांव सनोचा, डाकघर साहू, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उसके पुत्रों लियाकत अली व सैफ अली की जन्म तिथियां क्रमशः 10-19-2009 व 05-03-2012 है लेकिन जन्म से सम्बन्धित घटना ग्राम पंचायत प्रोथा, विकास खण्ड चम्बा में दर्ज न है।

अतः सर्वसाधारण जनता को इश्तहार द्वारा सूचित किया जाता है कि श्री मुहम्मद खान पुत्र श्री इब्राहीम, निवासी गांव सनोचा, डाकघर साहू, तहसील व जिला चम्बा के पुत्रों की जन्म तिथियों को ग्राम सभा ग्राम पंचायत प्रोथा, विकास खण्ड चम्बा के जन्म अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इश्तहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी के पुत्रों की जन्म तिथियां दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत प्रोथा को पारित कर दिए जायेंगे।

आज दिनांक 08-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि० प्र०।

ब अदालत श्री बच्चन सिंह, अतिरिक्त रजिस्ट्रार विवाह एवं उप-मण्डल दण्डाधिकारी, चम्बा,  
जिला चम्बा, हि० प्र०

- (1) मनमीत सिंह पुत्र प्रेम सिंह, निवासी मुहल्ला कसाकडा, तहसील व जिला चम्बा।
- (2) नवनीत कौर पुत्री हरपाल सिंह, निवासी हाऊस नं० 665 सैक्टर-11, अर्जुन नगर हीरमागरी, तहसील व जिला उदयपुर, राजस्थान।

बनाम

आम जनता एवं कार्यकारी अधिकारी नगर परिषद् चम्बा

विषय.—विवाह पंजीकृत करने बारा।

इस अदालत में मनमीत सिंह पुत्र प्रेम सिंह, निवासी मुहल्ला कसाकडा, तहसील व जिला चम्बा व नवनीत कौर पुत्री हरपाल सिंह, निवासी हाऊस नं० 665 सैक्टर-11, अर्जुन नगर हीरमागरी, तहसील व जिला उदयपुर, राजस्थान ने एक प्रार्थना-पत्र विवाह पंजीकृत करने बारा अनुरोध किया है कि इन्होंने दिनांक 12-07-2014 को मुहल्ला कसाकडा, तहसील व जिला चम्बा में शादी कर ली है और तब से बतौर पति-पत्नी रह रहे हैं।



अतः सर्वसाधारण जनता को सूचित किया जाता है कि इनके विवाह पंजीकरण बारा अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने पर विवाह को पंजीकृत करने के आदेश संबंधित स्थानीय रजिस्ट्रार विवाह ग्राम पंचायत कार्यकारी अधिकारी नगर परिषद् चम्बा को पारित कर दिए जायेंगे।

आज दिनांक 09-10-2015 को मेरे हस्ताक्षर मोहर सहित अदालत से जारी हुआ।

मोहर।

बच्चन सिंह (हि0 प्र0 से0),  
अतिरिक्त रजिस्ट्रार विवाह एवं उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

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ब अदालत श्री बच्चन सिंह (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

भूपिन्दर सिंह पुत्र श्री हुशियार सिंह, निवासी गागला (घूमा), डाकघर लुडू, तहसील चम्बा  
बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत करियां, विकास खण्ड मैहला

विषय.—नाम दुरुस्ती सम्बन्धी।

इस अदालत में भूपिन्दर सिंह पुत्र श्री हुशियार सिंह, निवासी गागला (घूमा), डाकघर लुडू, तहसील चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उनका नाम भूपिन्दर सिंह है जिसकी पुष्टि स्कूल प्रमाण-पत्र व सर्विस रिकार्ड से होती है परन्तु ग्राम पंचायत करियां के रिकार्ड में उसका नाम महेंद्र सिंह गलत दर्ज चला आ रहा है। प्रार्थी ने ग्राम पंचायत करियां में अपना नाम महेंद्र सिंह के बजाये भूपिन्दर सिंह दर्ज करने का अनुरोध किया है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि भूपिन्दर सिंह पुत्र श्री हुशियार सिंह, निवासी गागला (घूमा), डाकघर लुडू, तहसील चम्बा के नाम दुरुस्ती बारा अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी के नाम को दुरुस्त करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत करियां को पारित कर दिए जायेंगे।

आज दिनांक 09-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

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ब अदालत श्री बच्चन सिंह, अतिरिक्त रजिस्ट्रार विवाह एवं उप-मण्डल दण्डाधिकारी, चम्बा,  
जिला चम्बा, हि0 प्र0

(1) मनोज कुमार पुत्र महेंद्र पाल, निवासी गांव सिधपुरा, डाकघर सरोल, तहसील चम्बा।

(2) रीता कुमारी पुत्री धर्म चंद, निवासी गांव थडी, डाकघर राजनगर, तहसील चम्बा।

## बनाम

आम जनता एवं ग्राम पंचायत हरिपुर, विकास खण्ड चम्बा

विषय.—विवाह पंजीकृत करने बारा।

इस अदालत में मनोज कुमार पुत्र महेंद्र पाल, निवासी गांव सिधपुरा, डाकघर सरोल, तहसील चम्बा व रीता कुमारी पुत्री धर्म चंद, निवासी गांव थडी, डाकघर राजनगर, तहसील चम्बा ने एक प्रार्थना-पत्र विवाह पंजीकृत करने बारा अनुरोध किया है कि इन्होंने दिनांक 29-09-2014 को गांव थडी, डाकघर राजनगर तहसील चम्बा में शादी कर ली है और तब से बतौर पति-पत्नी रह रहे हैं।

अतः सर्वसाधारण जनता को सूचित किया जाता है कि इनके विवाह पंजीकरण बारा अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने पर विवाह को पंजीकृत करने के आदेश संबंधित स्थानीय रजिस्ट्रार विवाह कार्यकारी अधिकारी नगर परिषद् चम्बा को पारित कर दिए जायेंगे।

आज दिनांक 09-10-2015 को मेरे हस्ताक्षर व मोहर सहित अदालत से जारी हुआ।

मोहर।

बच्चन सिंह (हि0 प्र0 से0),  
अतिरिक्त रजिस्ट्रार विवाह एवं उप मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

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ब अदालत श्री बच्चन सिंह (हि0 प्र0 से0), उप मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

श्री अशोक कुमार पुत्र श्री रतो, निवासी गांव गणजी, डाकघर साहो, तहसील व जिला चम्बा

## बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत पल्यूर, विकास खण्ड चम्बा

विषय.—जन्म सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में श्री अशोक कुमार पुत्र श्री रतो, निवासी गांव गणजी, डाकघर साहो, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उनके पुत्र लाविंदर कुमार की जन्म तिथि 28-2-2002 है लेकिन जन्म से सम्बन्धित घटना ग्राम पंचायत पल्यूर, विकास खण्ड चम्बा, तहसील व जिला चम्बा में दर्ज न है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि श्री अशोक कुमार पुत्र श्री रतो, निवासी गांव गणजी, डाकघर साहो, तहसील व जिला चम्बा के पुत्र की जन्म तिथि को ग्राम पंचायत पल्यूर, विकास खण्ड चम्बा के जन्म अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में 16-11-2015 तक सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी के पुत्र की जन्म तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत पल्यूर को पारित कर दिए जायेंगे।

आज दिनांक 09-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत श्री बच्चन सिंह (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

श्री राकेश कुमार पुत्र श्री हरदेउ, निवासी गांव बिन्नू, डाकघर साहो, तहसील व जिला चम्बा  
बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत पधर साहो, विकास खण्ड चम्बा

विषय.—जन्म सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में श्री राकेश कुमार पुत्र श्री हरदेउ, निवासी गांव बिन्नू, डाकघर साहो, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उनके पुत्र नामक युगल की जन्म तिथि 20-12-2014 है लेकिन जन्म से सम्बन्धित घटना ग्राम पंचायत पधर साहो, विकास खण्ड चम्बा में दर्ज न है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि श्री राकेश कुमार पुत्र श्री हरदेउ, निवासी गांव बिन्नू, डाकघर साहो, तहसील व जिला चम्बा के पुत्र की जन्म तिथि को ग्राम सभा, ग्राम पंचायत पधर साहो, विकास खण्ड चम्बा के जन्म अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी के पुत्र की जन्म तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत पधर साहो को पारित कर दिए जायेंगे।

आज दिनांक 09-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत श्री बच्चन सिंह (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

शकुन्तला देवी पत्नी श्री सुमन सिंह, निवासी गांव व डाकघर पलूहीं, तहसील व जिला चम्बा  
बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत पलूहीं, विकास खण्ड चम्बा

विषय.—जन्म सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में शकुन्तला देवी पत्नी श्री सुमन सिंह, निवासी गांव व डाकघर पलूहीं, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उनकी पुत्री उर्वशी विजलवान की जन्म तिथि 10-03-1992 है लेकिन जन्म से सम्बन्धित घटना ग्राम पंचायत पलूहीं, विकास खण्ड चम्बा में दर्ज न है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि शकुन्तला देवी पत्नी श्री सुमन सिंह, निवासी गांव व डाकघर पलूहीं, तहसील व जिला चम्बा की पुत्री की जन्म तिथि को ग्राम सभा, ग्राम पंचायत पलूहीं, विकास खण्ड चम्बा के जन्म अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थिया की पुत्री की जन्म तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत पलूहीं को पारित कर दिए जायेंगे।

आज दिनांक 09-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत श्री बच्चन सिंह (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

जैशो पत्नी श्री जागो राम, निवासी गांव पनेला, डाकघर वाट, तहसील व जिला चम्बा

बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत वाट, विकास खण्ड मैहला

विषय.—जन्म सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में जैशो पत्नी श्री जागो राम, निवासी गांव पनेला, डाकघर वाट, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उसके पुत्र चिराग की जन्म तिथि 28-05-2011 है लेकिन जन्म से सम्बन्धित घटना ग्राम पंचायत वाट, विकास खण्ड मैहला में दर्ज न है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि जैशो पत्नी श्री जागो राम, निवासी गांव पनेला, डाकघर वाट, तहसील व जिला चम्बा के पुत्र की जन्म तिथि को ग्राम सभा, ग्राम पंचायत वाट, विकास खण्ड मैहला के जन्म अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थिया के पुत्र की जन्म तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत वाट को पारित कर दिए जायेंगे।

आज दिनांक 09-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत श्री बच्चन सिंह (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

श्री काकू राम पुत्र श्री सरनो, निवासी बेही, डाकघर साहो, तहसील व जिला चम्बा

बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत अट्लुई, विकास खण्ड चम्बा

विषय.—जन्म सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में श्री काकू राम पुत्र श्री सरनो, निवासी बेही, डाकघर साहो, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उसकी जन्म तिथि 24-05-1992 है लेकिन जन्म से सम्बन्धित घटना ग्राम पंचायत अट्लुई, विकास खण्ड चम्बा में दर्ज न है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि श्री काकू राम पुत्र श्री सरनो, निवासी बेही, डाकघर साहो, तहसील व जिला चम्बा की जन्म तिथि को ग्राम सभा, ग्राम पंचायत अट्लुई, विकास खण्ड चम्बा के जन्म अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी की जन्म तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत अट्लुई को पारित कर दिए जायेंगे।

आज दिनांक 09-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत श्री बच्चन सिंह (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

श्री शिव कुमार पुत्र श्री धर्मू निवासी गांव कूट, डाकघर किलाड, तहसील व जिला चम्बा

बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत किलाड, विकास खण्ड मैहला

विषय.—जन्म सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में श्री शिव कुमार पुत्र श्री धर्मू निवासी गांव कूट, डाकघर किलाड, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उसकी पुत्री तमन्ना की जन्म तिथि 08-02-2009 है लेकिन जन्म से सम्बन्धित घटना ग्राम पंचायत किलाड, विकास खण्ड मैहला में दर्ज न है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि श्री शिव कुमार पुत्र श्री धर्मू निवासी गांव कूट, डाकघर किलाड, तहसील व जिला चम्बा की पुत्री की जन्म तिथि को ग्राम सभा, ग्राम पंचायत किलाड, विकास खण्ड मैहला के जन्म अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी की पुत्री की जन्म तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत किलाड को पारित कर दिए जायेंगे।

आज दिनांक 09-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

हस्ताक्षरित/—  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत श्री बच्चन सिंह (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

श्री सुरेश कुमार महाजन पुत्र स्वर्गीय श्री खराती लाल, निवासी गांव सरोल, तहसील व जिला चम्बा

बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत सरोल, विकास खण्ड चम्बा

विषय.—जन्म सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में श्री सुरेश कुमार महाजन पुत्र स्वर्गीय श्री खराती लाल, निवासी गांव सरोल, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उसकी पुत्री ईशा महाजन की जन्म तिथि 13-09-1984 है लेकिन जन्म से सम्बन्धित घटना ग्राम पंचायत सरोल, विकास खण्ड चम्बा में दर्ज न है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि श्री सुरेश कुमार महाजन पुत्र स्वर्गीय श्री खराती लाल, निवासी गांव सरोल, तहसील व जिला चम्बा की पुत्री जन्म तिथि को ग्राम पंचायत सरोल, विकास खण्ड चम्बा के जन्म अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असातन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी की पुत्री की जन्म तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत सरोल को पारित कर दिए जायेंगे।

आज दिनांक 08-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत श्री बच्चन सिंह (हि0 प्र0 से0), उप मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि0 प्र0

श्री भवनेश कुमार पुत्र श्री जय किशन, निवासी गांव बाड़ी, डाकघर साच, तहसील व जिला चम्बा

बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत ओडा, विकास खण्ड चम्बा

विषय.—जन्म सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में श्री भवनेश कुमार पुत्र श्री जय किशन, निवासी गांव बाड़ी, डाकघर साच, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उनकी जन्म तिथि 16-12-1991 है लेकिन जन्म से सम्बन्धित घटना ग्राम पंचायत ओडा, विकास खण्ड चम्बा में दर्ज न है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि श्री भवनेश कुमार पुत्र श्री जय किशन, निवासी गांव बाड़ी, डाकघर साच, तहसील व जिला चम्बा की जन्म तिथि को ग्राम सभा, ग्राम पंचायत ओडा, विकास खण्ड चम्बा के जन्म अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असातन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी की जन्म तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत ओडा को पारित कर दिए जायेंगे।

आज दिनांक 08-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि0 प्र0।

ब अदालत श्री बच्चन सिंह (हि० प्र० से०), उप मण्डल दण्डाधिकारी, चम्बा, जिला चम्बा, हि० प्र०

श्री सतपाल पुत्र श्री भगत सिंह, निवासी गांव मुलका डाकघर झुलाडा, तहसील व जिला चम्बा  
बनाम

आम जनता एवं ग्राम सभा, ग्राम पंचायत झुलाडा, विकास खण्ड चम्बा

विषय.—जन्म सम्बन्धित तिथि पंजीकरण सम्बन्धी।

इस अदालत में श्री सतपाल पुत्र श्री भगत सिंह, निवासी गांव मुलका डाकघर झुलाडा, तहसील व जिला चम्बा ने एक दरखास्त देकर अनुरोध किया है कि उनकी जन्म तिथि 27-04-1992 है लेकिन जन्म से सम्बन्धित घटना ग्राम पंचायत झुलाडा, विकास खण्ड चम्बा में दर्ज न है।

अतः सर्वसाधारण जनता को इशतहार द्वारा सूचित किया जाता है कि श्री सतपाल पुत्र श्री भगत सिंह, निवासी गांव मुलका डाकघर झुलाडा, तहसील व जिला चम्बा की जन्म तिथि को ग्राम सभा, ग्राम पंचायत झुलाडा, विकास खण्ड चम्बा के जन्म अभिलेख में दर्ज करने पर अगर किसी को किसी भी प्रकार की कोई आपत्ति है तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 बजे से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी की जन्म तिथि को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार जन्म एवं मृत्यु ग्राम पंचायत झुलाडा को पारित कर दिए जायेंगे।

आज दिनांक 08-10-2015 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुये।

मोहर।

बच्चन सिंह,  
उप-मण्डल दण्डाधिकारी,  
चम्बा, जिला चम्बा, हि० प्र०।

व अदालत अनिल भारद्वाज, कार्यकारी दण्डाधिकारी डलहौजी, जिला चम्बा, हिमाचल प्रदेश

Namgyal Dolker d/o Shri Khedup r/o Snow View Kothi GPO डलहौजी, तहसील डलहौजी, जिला चम्बा, हिमाचल प्रदेश।

विषय.—प्रार्थना पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना पत्र, ब्यान-हल्फी वमय अन्य कागजात इस आशय से गुजारा है कि उसकी जन्म तिथि 27-07-1989 है, जोकि नगर परिषद् डलहौजी के रिकॉर्ड में दर्ज न है। जिन्हें दर्ज किया जावे।

इस सम्बन्ध में सर्वसाधारण जनता को बजरिया इशतहार सूचित किया जाता है कि प्रार्थिया की जन्म तिथि, नगर परिषद् डलहौजी के रिकॉर्ड में दर्ज करने पर, यदि किसी को कोई उजर-एतराज हो तो वह असालतन या वकालतन अदालत अधोहस्ताक्षरी दिनांक 16-11-2015 को हाजिर आकर अपना एतराज दर्ज करवा सकता है। हाजिर ना आने की सूरत में एक तरफा कार्यवाही अमल में लाई जा करके नाम व जन्म तिथि दर्ज करने के आदेश दे दिए जाएंगे।

आज दिनांक 14-10-2015 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ।

मोहर।

अनिल भारद्वाज,  
कार्यकारी दण्डाधिकारी,  
डलहौजी (हि० प्र०)।

व अदालत अनिल भारद्वाज, कार्यकारी दण्डाधिकारी डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री राज कुमार पुत्र श्री अर्जुन सिंह, निवासी गांव व डाकघर सुदली, तहसील डलहौजी, जिला चम्बा, हिमाचल प्रदेश।

विषय.—प्रार्थना पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना पत्र, ब्यान—हल्फी वमय अन्य कागजात इस आशय से गुजारा है कि उसकी जन्म तिथि 24-01-1991 है, जोकि ग्राम पंचायत सुदली के रिकॉर्ड में दर्ज न है। जिसे दर्ज किया जावे।

इस सम्बन्ध में सर्वसाधारण जनता को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी की जन्म तिथि ग्राम पंचायत सुदली के रिकॉर्ड में दर्ज करने पर, यदि किसी को कोई उजर—एतराज हो तो वह असालतन या वकालतन अदालत अधोहस्ताक्षरी दिनांक 16-11-2015 को हाजिर आकर अपना एतराज दर्ज करवा सकता है। हाजिर ना आने कि सूरत में एक तरफा कार्यवाही अमल में लाई जा करके नाम व जन्म—तिथि दर्ज करने के आदेश दे दिए जाएंगे।

आज दिनांक 05-10-2015 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ।

मोहर।

अनिल भारद्वाज,  
कार्यकारी दण्डाधिकारी,  
डलहौजी (हि0 प्र0)।

व अदालत अनिल भारद्वाज, कार्यकारी दण्डाधिकारी डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री Jampa Topden s/o Shri Tenzin Khedup r/o H. No.-01, Snow View Kothi GPO डलहौजी, तहसील डलहौजी, जिला चम्बा, हिमाचल प्रदेश।

विषय.—प्रार्थना पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना पत्र, ब्यान—हल्फी वमय अन्य कागजात इस आशय से गुजारा है कि उसकी जन्म तिथि 01-08-1986 है, जोकि नगर परिषद् डलहौजी के रिकॉर्ड में दर्ज न है। जिन्हें दर्ज किया जावे।

इस सम्बन्ध में सर्वसाधारण जनता को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी की जन्म तिथि, नगर परिषद् डलहौजी के रिकॉर्ड में दर्ज करने पर, यदि किसी को कोई उजर—एतराज हो तो वह असालतन या वकालतन अदालत अधोहस्ताक्षरी दिनांक 16-11-2015 को हाजिर आकर अपना एतराज दर्ज करवा सकता है। हाजिर ना आने कि सूरत में एक तरफा कार्यवाही अमल में लाई जा करके नाम व जन्म तिथि दर्ज करने के आदेश दे दिए जाएंगे।

आज दिनांक 03-10-2015 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ।

मोहर।

अनिल भारद्वाज,  
कार्यकारी दण्डाधिकारी,  
डलहौजी (हि0 प्र0)।



**Executive Magistrate Bamson at Tauni Devi, District Hamirpur (H.P.)**

Case No. 1/2015

Date of Institution : 12-10-2015

In the matter of :

Smt. Sarvi Devi d/o Shri Achharu Ram, r/o Village Samlehra, P. O. Bagwara, Tehsil Bamson at Tauni Devi, District Hamirpur (H.P.) . . Applicant.

*Versus*

General Public

*Application under section 13(3) of Birth and Death Registration Act, 1969.*

Smt. Sarvi Devi d/o Shri Achharu Ram, r/o Village Samlehra, P. O. Bagwara, Tehsil Bamson at Tauni Devi, District Hamirpur (H.P.) has preferred an application supported by an affidavit in this court under section 13(3) of Birth and Death Registration Act, 1969 stating there in that Smt. Sarvi Devi was borned on 17-02-1939 but due to ignorance, she could not get the birth registered/recorded in the record of Gram Panchayat Bagwara and now she intends to get the same registered/recorded in the records of Gram Panchayat Bagwara. Public notice inviting objections of the general public regarding entry of birth in the records of Gram Panchayat Bagwara till the stipulated date *i.e.* 16-11-2015.

Therefore, notice is hereby issued to the general public through this publication that if anybody has any objection for the registration of birth of said Sarvi Devi in the record of the Gram Panchayat Bagwara, he/she may prefer his/her written or verbal objection before the undersigned within in period of one month *i.e.* before 16-11-2015 failing which it will be presumed that nobody has any objection for registration of birth of Sarvi Devi and order under the Act *ibid* will be issued to the Local Registrar of Gram Panchayat Bagwara.

Issued under my hand and seal of the court today on 12-10-2015.

Seal.

Sd/-

*Executive Magistrate Bamson at Tauni Devi,  
District Hamirpur (H.P.).*

ब अदालत श्री दमोदर दास, कार्यकारी दण्डाधिकारी बैजनाथ, जिला कांगड़ा, हि० प्र०

विमला देवी w/o प्यार चन्द, निवासी फटाहर, तहसील बैजनाथ, जिला कांगड़ा, हि० प्र०

बनाम

आम जनता

प्रार्थना पत्र जेर धारा 13(3) जन्म एवम् मृत्यु पंजीकरण अधिनियम, 1969.

विमला देवी w/o प्यार चन्द, निवासी फटाहर, डाकखाना फटाहर, तहसील बैजनाथ, जिला कांगड़ा, हि० प्र० ने इस अदालत में प्रार्थना पत्र गुजारा है कि उसके पति प्यार चन्द की मृत्यु दिनांक 30-5-1993 को महाल फटाहर में हुई थी परन्तु इस बारे पंचायत के रिकार्ड में पंजीकरण नहीं करवाया जा सका। अब पंजीकरण करने के आदेश दिये जायें।

अतः इस नोटिस के माध्यम से सर्व-साधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त पंजीकरण के बारे में कोई उजर व एतराज हो तो वह दिनांक 20-11-2015 को सुबह 10.00 बजे इस न्यायालय में असालतन या वकालतन हाजिर आकर पेश कर सकता है अन्यथा उपरोक्त मृत्यु का पंजीकरण करने के आदेश दे दिये जायेंगे। उसके उपरान्त कोई एतराज न सुना जायेगा।

आज दिनांक 14-10-2015 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

दमोदर दास,  
कार्यकारी दण्डाधिकारी,  
बैजनाथ, जिला कांगड़ा (हि0 प्र0)।

ब अदालत श्री दमोदर दास, कार्यकारी दण्डाधिकारी बैजनाथ, जिला कांगड़ा, हि0 प्र0

श्री सुभाष चन्द पुत्र श्री प्रेम चन्द @ लोहरी राम, निवासी जनेहड, डा0 चौविन, तहसील बैजनाथ, जिला कांगड़ा, हि0 प्र0

बनाम

आम जनता

प्रार्थना पत्र जेर धारा 13(3) जन्म एवम् मृत्यु पंजीकरण अधिनियम, 1969.

श्री सुभाष चन्द पुत्र श्री प्रेम चन्द @ लोहरी राम, निवासी जनेहड, डा0 चौविन, तहसील बैजनाथ, जिला कांगड़ा, हि0 प्र0 ने इस अदालत हजा में प्रार्थना पत्र गुजारा है कि उसके पुत्र सुमन कुमार का जन्म दिनांक 01-06-1994 को महाल जनेहड में हुआ था परन्तु इस बारे पंचायत के रिकार्ड में पंजीकरण नहीं करवाया जा सका। अब पंजीकरण करने के आदेश दिये जायें।

अतः इस नोटिस के माध्यम से सर्व-साधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त पंजीकरण के बारे में कोई उजर व एतराज हो तो वह दिनांक 20-11-2015 को सुबह 10.00 बजे इस न्यायालय में असालतन या वकालतन हाजिर आकर पेश कर सकता है अन्यथा उपरोक्त जन्म का पंजीकरण करने के आदेश दे दिये जायेंगे। उसके उपरान्त कोई एतराज न सुना जायेगा।

आज दिनांक 14-10-2015 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

दमोदर दास,  
कार्यकारी दण्डाधिकारी,  
बैजनाथ, जिला कांगड़ा (हि0 प्र0)।

ब अदालत श्री कौशी राम, सहायक समाहर्ता द्वितीय श्रेणी एवम् कार्यकारी दण्डाधिकारी, उप-तहसील सैंज, जिला कुल्लू, हि0 प्र0

सेस राम पुत्र तुलसी राम, निवासी गांव शहरा नाल, डा0 सैंज, उप-तहसील सैंज, जिला कुल्लू, हि0 प्र0।

बनाम

आम जनता

विषय.—ग्राम पंचायत रिकार्ड में नाम की दुरुस्ती करने बारे।

आदेश

सर्वसाधारण जनता को सूचित किया जाता है कि सेस राम पुत्र तुलसी राम, निवासी गांव शहरा नाल, डा0 सैंज, उप-तहसील सैंज, जिला कुल्लू, हि0 प्र0 ने इस न्यायालय में नाम दुरुस्ती बारे आवेदन प्रस्तुत किया है कि ग्राम पंचायत वनोगी के रिकार्ड में उसका नाम सेस राम दर्ज है जबकि राजस्व रिकार्ड फाटी मनियाशी में प्रार्थी का नाम पोशु दर्ज है ये दोनों नाम इसी व्यक्ति के हैं। आवेदक ने इस बारे शपथ पत्र भी दिया है तथा अब उसका नाम ग्राम पंचायत रिकार्ड में पोशु उर्फ सेस राम नाम दर्ज किया जाना प्रस्तावित है।

अतः इस विज्ञापन द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि इस सम्बन्ध में किसी भी व्यक्ति को कोई आपत्ति हो तो वह असालतन या वकालतन अपनी आपत्ति इस न्यायालय में दिनांक 16/11/2015 या इससे पूर्व प्रस्तुत कर सकता है अन्यथा ईन्द्राज ग्राम पंचायत रिकार्ड में करवा दिया जाएगा।

आज दिनांक 12/10/2015 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—

सहायक समाहर्ता द्वितीय श्रेणी एवं कार्यकारी दण्डाधिकारी,  
उप-तहसील सैंज, जिला कुल्लू।

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ब अदालत श्री कौशी राम, सहायक समाहर्ता द्वितीय श्रेणी एवम् कार्यकारी दण्डाधिकारी, उप-तहसील सैंज, जिला कुल्लू, हि0 प्र0

मझीरी देवी पुत्री जगदीश चन्द, निवासी व डा0 रैला, उप-तहसील सैंज, जिला कुल्लू, हि0 प्र0।

बनाम

आम जनता

विषय.—ग्राम पंचायत रिकार्ड में नाम की दुरुस्ती करने बारे।

आदेश

सर्वसाधारण जनता को सूचित किया जाता है कि मझीरी देवी पुत्री जगदीश चन्द, निवासी व डा0 रैला, उप-तहसील सैंज, जिला कुल्लू, हि0 प्र0 ने इस न्यायालय में नाम दुरुस्ती बारे आवेदन प्रस्तुत किया है कि ग्राम पंचायत रैला के रिकार्ड में उसका नाम जयबन्ती दर्ज है जबकि राजस्व रिकार्ड फाटी रैला में उसका नाम मझीरी देवी दर्ज है ये दोनों नाम इसी के हैं। आवेदक ने इस बारे शपथ पत्र भी दिया है तथा अब उसका नाम ग्राम पंचायत रिकार्ड में जयबन्ती उर्फ मझीरी देवी नाम दर्ज किया जाना प्रस्तावित है।

अतः इस विज्ञापन द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि इस सम्बन्ध में किसी भी व्यक्ति को कोई आपत्ति हो तो वह असालतन या वकालतन अपनी आपत्ति इस न्यायालय में दिनांक 16/11/2015 या इससे पूर्व प्रस्तुत कर सकता है अन्यथा ग्राम पंचायत रिकार्ड में ईन्द्राज करवा दिया जाएगा।

आज दिनांक 12/10/2015 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—

सहायक समाहर्ता द्वितीय श्रेणी एवं कार्यकारी दण्डाधिकारी,  
उप-तहसील सैंज, जिला कुल्लू।

ब अदालत श्री कौशी राम, सहायक समाहर्ता द्वितीय श्रेणी एवम् कार्यकारी दण्डाधिकारी, उप-तहसील सैज, जिला कुल्लू, हि० प्र०

गोविन्द राम पुत्र तारा चन्द, निवासी शरन, डा० रैला, उप-तहसील सैज, जिला कुल्लू, हि० प्र०।

बनाम

आम जनता

विषय.—ग्राम पंचायत रिकार्ड में नाम की दुरुस्ती करने बारे।

आदेश

सर्वसाधारण जनता को सूचित किया जाता है कि गोविन्द राम पुत्र तारा चन्द, निवासी शरन, डा० रैला, उप-तहसील सैज, जिला कुल्लू, हि० प्र० ने इस न्यायालय में नाम दुरुस्ती बारे आवेदन प्रस्तुत किया है कि ग्राम पंचायत रैला के रिकार्ड में उसके पुत्र का नाम ओम प्रकाश दर्ज है जबकि विद्यालय रिकार्ड में प्रार्थी के पुत्र का नाम रणजीत सिंह दर्ज है ये दोनों नाम इसी के हैं। आवेदक ने इस बारे शपथ पत्र भी दिया है तथा प्रार्थी के पुत्र का नाम ग्राम पंचायत रिकार्ड में ओम प्रकाश उर्फ रणजीत सिंह नाम दर्ज किया जाना प्रस्तावित है।

अतः इस विज्ञापन द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि इस सम्बन्ध में किसी भी व्यक्ति को कोई आपत्ति हो तो वह असालतन या वकालतन अपनी आपत्ति इस न्यायालय में दिनांक 16/11/2015 या इससे पूर्व प्रस्तुत कर सकता है अन्यथा ग्राम पंचायत रिकार्ड में ईन्द्राज करवा दिया जाएगा।

आज दिनांक 12/10/2015 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—

सहायक समाहर्ता द्वितीय श्रेणी एवम् कार्यकारी दण्डाधिकारी  
उप-तहसील सैज, जिला कुल्लू।

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**In the Court of Shri Surjeet Singh Rathore, Sub Divisional Magistrate, Lahaul at Keylong,  
District Lahaul and Spiti (H. P.)**

1. Shri Tashi Phunchog s/o Shri Nawang Tashi, Village Kwaring, P.O. Kolang, Tehsil Lahaul, District Lahaul and Spiti (H.P.)

2. Km. Manju d/o Shri Sonam Angrup, Village Patlikhual, P.O. Katrai, Tehsil Lahaul, District Lahaul Spiti . . Applicants.

*Versus*

1. The General Public.
2. The Secretary, G. P. Yurnath

**PUBLIC NOTICE**

Whereas the above named applicants have made an application under section 8(4) of the Himachal Pradesh Registration of Marriages Act, 1996 along with an affidavit therein that they

have solemnized their marriage on 20<sup>th</sup> February, 1999 at Kwaring, but has not been found entered in the records of the Registrar of Marriages *i.e.* Secretary, G. P. Yurnath.

And whereas, they have stated that they were not aware of the laws for the registration with the Registrar of Marriages and now, therefore, necessary orders for the registration of their marriage be passed so that their marriage can be registered by the concerned authority.

Now, therefore, objections are invited from the general public that if anyone has any objection in regarding the registration of the marriage of the above named applicants, then they should appear in the court of the undersigned on or before 16-11-2015 at SDM Office Lahaul at Keylong at 10.00 A.M. either personally or through their authorized agent.

In the event of their failure to do so, orders shall be passed *ex-party* against the respondents for the registration of marriage without affording any further opportunity of being heard.

Issued under my hand and seal of the Court on this day 16<sup>th</sup> October, 2015.

Seal.

SURJEET SINGH RATHORE,  
Sub Divisional Magistrate,  
Lahaul at Keylong, District Lahaul and Spiti.

समक्ष कार्यकारी दण्डाधिकारी तहसील जोगिन्दर नगर जिला मण्डी (हि0 प्र0)

सौणी देवी

प्रार्थी

बनाम

आम जनता

प्रतिवादी

प्रार्थना पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

ईशतहार/उद्धघोषणा बनाम आम जनता

श्री सरवण पुत्र श्री शंकर दास, निवासी भजराला, तहसील जोगिन्दरनगर ने इस अदालत में प्रार्थना पत्र गुजार कर अनुरोध किया है कि उसके पिता श्री शंकर दास की मृत्यु दिनांक 3-03-1970 को गांव भजराला में हुई है परन्तु ग्राम पंचायत मटरू के अभिलेख में उनकी मृत्यु तिथि दर्ज नहीं हुई है। जिसे दर्ज किया जाये।

अतः सर्वसाधारण जनता को इस ईशतहार द्वारा सूचित किया जाता है कि यदि इस बारे में किसी व्यक्ति को प्रार्थी के पिता की मृत्यु तिथि दिनांक 3-03-1970 ग्राम पंचायत मटरू के अभिलेख में दर्ज करने बारा कोई उजर या ऐतराज हो तो वह दिनांक 16-11-2015 को प्रातः 10.00 बजे इस अदालत में असालतन या वकालतन हाजिर होकर पैरवी मुकद्दमा कर सकता है अन्यथा नियमानुसार एक पक्षीय कार्यवाही अमल में लाई जावेगी।

आज दिनांक 14-10-2015 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी,  
तहसील जोगिन्दरनगर।

सरवण

प्रार्थी

बनाम

आम जनता

प्रतिवादी

प्रार्थना पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

ईशतहार/उद्धघोषणा बनाम आम जनता

श्री सरवण पुत्र शंकर दास, निवासी भजराला, तहसील जोगिन्दरनगर ने इस अदालत में प्रार्थना पत्र गुजार कर अनुरोध किया है कि उसके दादा श्री सिधू राम की मृत्यु दिनांक 1-05-1971 को गांव भजराला में हुई है परन्तु ग्राम पंचायत मटरू के अभिलेख में उसकी मृत्यु तिथि दर्ज नहीं हुई है। जिसे दर्ज किया जाये।

अतः सर्वसाधारण जनता को इस ईशतहार द्वारा सूचित किया जाता है कि यदि इस बारे में किसी व्यक्ति को प्रार्थी के दादा की मृत्यु तिथि दिनांक 1-05-1971 ग्राम पंचायत मटरू के अभिलेख में दर्ज करने बारा कोई उजर या ऐतराज हो तो वह दिनांक 16-11-2015 को प्रातः 10.00 बजे इस अदालत में असालतन या वकालतन हाजिर होकर पैरवी मुकद्दमा कर सकता है अन्यथा नियमानुसार एक पक्षीय कार्यवाही अमल में लाई जावेगी।

आज दिनांक 14-10-2015 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी,  
तहसील जोगिन्दरनगर।

समक्ष कार्यकारी दण्डाधिकारी तहसील जोगिन्दरनगर जिला मण्डी, हि0 प्र0

किशोरी लाल

प्रार्थी

बनाम

आम जनता

प्रतिवादी

प्रार्थना पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

ईशतहार/उद्धघोषणा बनाम आम जनता

श्री किशोरी लाल पुत्र हरि राम, निवासी भंखेहड, तहसील जोगिन्दरनगर ने इस अदालत में प्रार्थना पत्र गुजार कर अनुरोध किया है कि उसकी बहनों गुड्डी की मृत्यु दिनांक 6-10-1973 व छटांकी की मृत्यु दिनांक 10-11-1973 को हुई है परन्तु ग्राम पंचायत मटरू के जन्म मृत्यु रजिस्टर व परिवार रजिस्टर में उनकी मृत्यु तिथियां दर्ज नहीं हुई हैं। जिन्हें दर्ज किया जाये।

अतः सर्वसाधारण जनता को इस ईशतहार द्वारा सूचित किया जाता है कि यदि इस बारे में किसी व्यक्ति को प्रार्थी की बहनों गुड्डी की मृत्यु दिनांक 6-10-1973 व छटांकी की मृत्यु तिथि दिनांक 10-11-1973 ग्राम पंचायत मटरू के जन्म एवं मृत्यु रजिस्टर व परिवार रजिस्टर में दर्ज करने बारा कोई उजर या ऐतराज हो तो वह दिनांक 16-11-2015 को प्रातः 10.00 बजे इस अदालत में असालतन या वकालतन हाजिर होकर पैरवी मुकद्दमा कर सकता है अन्यथा नियमानुसार एक पक्षीय कार्यवाही अमल में लाई जावेगी।

आज दिनांक 14-10-2015 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित /—  
कार्यकारी दण्डाधिकारी,  
तहसील जोगिन्दरनगर।

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ब अदालत सहायक समाहर्ता द्वितीय श्रेणी उप-तहसील धामी, जिला शिमला (हि0 प्र0)

मुकद्दमा संख्या : 09/2015

तारीख मरजुआ : 29-07-2015

तारीख पेशी : 20-10-2015

श्री प्रेम लाल पुत्र श्री नरायणू राम, निवासी ग्राम रंगोल (बलैन्दरी), डाकघर कोहबाग, उप-तहसील धामी, जिला शिमला, हि0 प्र0।

बनाम

आम जनता

विषय.—भू-राजस्व अभिलेख में नाम दुरुस्ती करने बारे प्रार्थान पत्र।

इस मुकद्दमे का सार यह है कि उपरोक्त प्रार्थी श्री प्रेम लाल पुत्र नरायणू, निवासी ग्राम रंगोल (बलैन्दरी), डाकघर कोहबाग, उप-तहसील धामी, जिला शिमला, हिमाचल प्रदेश ने प्रार्थना-पत्र इस आशय के साथ इस अदालत में प्रस्तुत किया है कि भू-राजस्व अभिलेख मौजा रंगोल में प्रार्थी का नाम प्रेमू पुत्र नरायणू दर्ज कागजात है जो कि गलत है जबकि शपथ-पत्र, नकल परिवार रजिस्टर, आधार कार्ड, राशन कार्ड, निर्वाचन आयोग पहचान-पत्र, प्रमाण पत्र उप-प्रधान ग्राम पंचायत मायली, ब्यानात बाशिन्दगान देह आदि के अनुसार प्रार्थी का नाम प्रेम लाल पुत्र श्री नरायणू है जो कि सही है।

अतः इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी को भी उरोक्त मुकद्दमा नाम दुरुस्ती बारे कोई भी उजर या एतराज हो तो स्वयं या लिखित तौर पर दिनांक 20-11-2015 को अपराह्न 2.00 बजे तक हाजिर अदालत आकर अपना एतराज पेश करें अन्यथा यह समझा जायेगा कि किसी भी सम्बन्धित व्यक्ति को इस नाम दुरुस्ती बारे कोई भी उजर व एतराज न है तथा आवेदन-पत्र को अन्तिम रूप दिया जायेगा व एकतरफा कार्यवाही अमल में लाई जायेगी।

आज दिनांक 20-10-2015 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

हस्ताक्षरित /—  
सहायक समाहर्ता द्वितीय श्रेणी,  
उप-तहसील धामी, जिला शिमला, हिमाचल प्रदेश।

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**In the Court of Shri Hemis Negi, H.A.S., Sub-Divisional Magistrate, Shimla (Urban),  
District Shimla, Himachal Pradesh**

Shri Lachhmi Chand Kaundal s/o Shri Ghungru Ram, r/o Set No. 5, Geeta Kunj near Monal School Shimla, Tehsil and District Shimla, H. P. . . Applicant.

*Versus*

General Public

. . Respondent.

*Application under Section 13(3) of Birth and Death Registration Act, 1969.*

Whereas Shri Lachhmi Chand Kaundal s/o Shri Ghungru Ram, r/o Set No.5, Geeta Kunj near Monal School Shimla, Tehsil and District Shimla, H. P. has applied for registration the name and date of birth of his son namely Bhupinder Kumar (DOB 27-4-1989) in the record of Municipal Corporation, Shimla, District Shimla, H. P.

Therefore, this proclamation, the General Public is hereby informed that any person having any objection for entry as to date of Birth mentioned above, may submit his objection in writing in this court on or before 17-11-2015 failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and seal of the Court on this 17<sup>th</sup> day of October, 2015.

Seal.

HEMIS NEGI,  
*Sub-Divisional Magistrate,  
Shimla (Urban), District Shimla.*

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**In the Court of Shri Hemis Negi, H.A.S., Sub-Divisional Magistrate, Shimla (Urban),  
District Shimla, Himachal Pradesh**

Shri Rakesh Sood s/o Late Shri Harnam Dass Sood, r/o Set No. 3, Lehni Bhawan Jakhoo Shimla, Tehsil and District Shimla, H. P. . . *Applicant.*

*Versus*

General Public

. . *Respondent.*

*Application under Section 13(3) of Birth and Death Registration Act, 1969.*

Whereas Shri Rakesh Sood s/o Late Shri Harnam Dass Sood, r/o Set No. 3, Lehni Bhawan Jakhoo Shimla, Tehsil and District Shimla, H. P. has applied for registration the name and date of birth of his son namely Gaurav Sood (DOB 23-6-1975) in the record of Municipal Corporation, Shimla, District Shimla, H. P.

Therefore, this proclamation, the General Public is hereby informed that any person having any objection for entry as to date of Birth mentioned above, may submit his objection in writing in this court on or before 20-11-2015 failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and seal of the Court on this 20<sup>th</sup> day of October, 2015.

Seal.

HEMIS NEGI,  
*Sub-Divisional Magistrate,  
Shimla (Urban), District Shimla.*

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**In the Court of Shri Gian Sagar Negi, Sub-Divisional Magistrate, Shimla (R),  
District Shimla (H. P.)**

Shri Rakesh Chauhan s/o Shri Roshan Lal, r/o Bhawani Kuttir, Dhalli Tunnel, Tehsil & District Shimla, Himachal Pradesh.

*Versus*

General Public

.. *Respondent.*



Whereas Shri Rakesh Chauhan s/o Shri Roshan Lal, r/o Bhawani Kuttir, Dhalli Tunnel, Tehsil & District Shimla, Himachal Pradesh has filed an application along with affidavit in the court of undersigned under section 13(3) of the Births & Deaths Registration Act, 1969 to enter the name & date of Birth of his daughter named Ms. Mehak Chauhan, D/o Shri Rakesh Chauhan s/o Shri Roshan Lal, r/o Bhawani Kuttir, Dhalli Tunnel, Tehsil & District Shimla, Himachal Pradesh in the record of Secy., Birth and Death, Municipal Corporation Shimla. Municipal Corporation Shimla has issued the non-availability certificate *vide* No. 1660, dated 24-09-2015.

Sl. No.	Name of the family members	Relation	Date of Birth
1.	Ms. Mehak Chauhan	Daughter	24-01-1993

Hence, this proclamation is issued to the general public if they have any objection/claim regarding entry of the name & date of birth of above named in the record of Municipal Corporation, Shimla may file their claims/objections on or before one month of publication of this notice in Govt. Gazette in this court, failing which necessary orders will be passed.

Issued today 29-10-2015 under my signature and seal of the court.

Seal.

Sd/-

*Sub-Divisional Magistrate,  
Shimla (R), District Shimla.*

